

## **Central Planning Authority**

**Agenda** for a meeting of the Central Planning Authority to be held on **April 06, 2022 at 10:00am**  
**at Compass Centre, 2<sup>nd</sup> Floor, Loft Meeting Room.**

### **10<sup>th</sup> Meeting of the Year**

**CPA/10/22**

**Mr. Ian Pairaudeau (Chair)**

**Mr. Handel Whittaker (Deputy Chair)**

**Mr. Joshua Bernard**

**Mr. Gillard McLaughlin**

**Mr. Charles Russell Jr.**

**Mr. Windel Scott**

**Mr. Peter Campbell**

**Mr. Kenneth Ebanks**

**Ms. Danette McLaughlin**

**Ms. Shakina Bush**

**Ms. Christine Maltman, MCIP, AICP**

**Ms. Celecia Bancroft**

**Mr. Ashton Bodden**

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

**Mr. Ron Sanderson (Deputy Director of Planning – Current Planning)**

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

## **List of Applications Presented at CPA/10/22**

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**APPLICANTS ATTENDING THE AUTHORITY'S MEETING**

<b>APPLICANT NAME</b>	<b>TIME</b>	<b>ITEM</b>	<b>PAGE</b>
Prisma	1:00	2.1	4

**1. 1 no confirmation of Minutes**

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

<b>ITEM</b>	<b>MEMBER</b>

## **2.0 APPLICATIONS**

### **APPEARANCES (Items 2.1)**

#### **2.1 PRISMA (Trio) Block 17A Parcels 145, 146, & 170 Rem 1 (P21-1260) (\$125 million) (NP)**

Application for proposed mixed use development:

- Apartments (x 58)
- Townhouses (x 20)
- Duplexes (x 5)
- Restaurant
- Parking garage
- Pools (x 20)
- Generators (x 4)
- Canal extension

**Appearance at 1:00**

#### **FACTS**

<i>Location</i>	Crighton Drive, West Bay
<i>Zoning</i>	<b>Hotel/Tourism &amp; Low Density Residential</b>
<i>Notification Results</i>	Objections
<i>Parcel size</i>	7.54 acres combined
<i>Parcel size required</i>	0.5 acres
<i>Current use</i>	Vacant
<i>Proposed use</i>	Mixed Use Development
<i>Maximum Site Coverage</i>	40 %
<i>Proposed Site Coverage</i>	22.5 %
<i>Proposed Building Footprint</i>	73,762 sq. ft.
<i>Proposed Building Area</i>	291,131 sq. ft.
<i>Parking Required</i>	197
<i>Parking Proposed</i>	244, 6 Accessible
<i>Number of Proposed Apartments</i>	58 (174 bedrooms)
<i>Number of Proposed Duplexes</i>	5 (30 bedrooms)
<i>Number of Proposed Townhouses</i>	20 (60 bedrooms)

#### **BACKGROUND:**

9 February 2022 (CPA/04/22; Item 2.2) – CPA Members resolved to adjourn the application for the following reasons:



- 1) All parties agreed with an apparent anomaly with the zone category of the area of the canal proposed to be filled and the adjournment will provide the opportunity for research into this matter.
- 2) The Department can prepare a detailed list of all objectors from owners that fall within the required notification and newspaper advertisement and radii.

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

- 1) Parking & Sidewalks within the Road Allowance
- 2) Concerns of the Objectors
- 3) Combination of 17A 145 & 146
- 4) Agency comments
- 5) Canal Setback for Townhouses (4'10" vs 20')
- 6) Duplex Setback from Canal (2'3" vs 20')

### **AGENCY COMMENTS**

Comments from agencies that have responded to the circulation of the plans are provided below.

#### **Water Authority Cayman**

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

#### **Wastewater Treatment**

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

- *The developer shall notify the Water Authority's Engineering Department at 949-2837 EXT: 3000, as soon as possible to ensure that:*
  - *the site-specific connection requirements are relayed to the developer,*
  - *any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and*
  - *the Authority can make necessary arrangements for connection.*
- *A grease interceptor with a minimum capacity of 5,969 US gallons is required to pre-treat kitchen flows from fixtures and equipment with grease-laden waste. Fixtures and equipment includes: pot sinks, pre-rinse sinks, dishwashers, soup kettles or similar devices and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the WBBSS.*
- *The developer shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The site's wastewater infrastructure shall be designed and installed to the Authority's specifications. Copies of the Authority's specifications are available at the Water Authority's office on Red Gate Road, or the web:*

[http://www.waterauthority.ky/upimages/pagebox/Guidelines-Sewer\\_1425464500\\_1426308023.pdf](http://www.waterauthority.ky/upimages/pagebox/Guidelines-Sewer_1425464500_1426308023.pdf)

- The developer shall submit plans for the infrastructure to the Authority for approval.
- The Authority shall make the final connection to the WBBSS, the cost of which shall be borne by the developer.

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

#### Requirement for Canal Permit per Water Authority Law

*The Water Authority is charged under the Water Authority Law to protect groundwater. Section 34 (1) of the Water Authority Law (2018 Revision) requires that anyone who undertakes the construction, replacement or alteration of canals is required to obtain a permit from the Authority, subject to such terms and conditions as it deems fit. Section 2 (1) the Water Authority Law (2018 Revision) defines canals as any channel works which provide sea water direct access to inland areas which would not normally be in direct contact with the sea.*

*A canal permit will be considered by the Authority upon receipt of a completed canal permit application form, the application fee and required submittals. The application form may be downloaded from the Water Authority website:*

[http://www.waterauthority.ky/upimages/pagebox/CanalWorksApplicationRevNOV2018\\_1541708130.pdf](http://www.waterauthority.ky/upimages/pagebox/CanalWorksApplicationRevNOV2018_1541708130.pdf)

***Please be advised that submitting a canal permit application to the Authority does not guarantee that the permit will be issued. If a canal permit is issued the Authority may require modifications of plans and/or impose specific conditions to protect surface and groundwater and to ensure that the applicant complies with the conditions of the permit.***

#### Elevator Installation

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

#### Generator and Fuel Storage Tank(s) Installation

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

[https://www.waterauthority.ky/upimages/download/USTMonitoringWellFeb2013\\_1445632994.pdf](https://www.waterauthority.ky/upimages/download/USTMonitoringWellFeb2013_1445632994.pdf)

### Water Supply

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

- *The developer is required to notify the Cayman Water Company without delay, to be advised of the site-specific requirements for connection.*

*The developer shall provide water supply infrastructure per CWC's specification and under CWC's supervision*

### Fire Department

The Fire Department has stamp approved the drawings.

### Department of Environmental Health (DEH)

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

*Solid Waste Facility: This development will require (4) 8 cubic yard containers with 4 times per week servicing. The drawing must be revised to indicate the number of bins required.*

*Restaurant: The following must be provided for review and approval at the BCU stage: 1. Detailed plans showing the kitchen layout with all equipment. 2. Seating capacity for the restaurant. 3. Restrooms must not open directly unto dinning or seating area. 4. Specifications on all equipment including the exhaust system and hot water heater.*

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

*It is noted that the applicant has revised the plans to address the DEH comments and new comments have yet to be received.*

### **National Roads Authority**

*As per your memo dated January 6<sup>th</sup> 2022 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

#### **General Issue**

*The applicant is proposing eleven (11) access points onto Crighton Drive, three (3) of which are on the inside of a curve. With such a high number of access points the number of conflict points increases and the overall traffic flow decreases, therefore, the NRA requests that the CPA have the applicant reduce said access points to three (3) or four (4) at most.*

*This will require the applicant to amalgamate the individual parking lots, which will help with the overall traffic flow on Crighton Drive.*

### ***Proposed Canal***

*No blasting is allowed to occur within 500ft of residences, unless the blaster has written permission from the affected homeowners. Otherwise, in this area the excavation of the canal and the boat slips will need to occur through mechanical means only.*

*The NRA recommends that the stormwater be intercepted and suitably disposed of so that surface water runoff and pollutants don't also affect the water quality. The drainage should be directed away from the canal system and the north sound for appropriate disposal.*

### ***Road Capacity Issues***

*The traffic demand to be generated by the above proposed mixed-use development of a*

- five (5) single family homes;*
- 98 (ninety-eight) multi-family homes;*
- 44 room hotel; and a*
- 5,969 sq. ft., Restaurant*

*Has been assessed in accordance with ITE Codes*

- 210 – Single Family Homes;*
- 220 – Apartments;*
- 310 – Hotel; and*
- 931 – Quality Restaurant.*

*The anticipated traffic to be added onto Crighton Drive is as follows:*

<b><i>ITE Code</i></b>	<b><i>Expected Daily Trip</i></b>	<b><i>AM Peak Hour Total Traffic</i></b>	<b><i>AM Peak In</i></b>	<b><i>AM Peak Out</i></b>	<b><i>PM Peak Hour Total Traffic</i></b>	<b><i>PM Peak In</i></b>	<b><i>PM Peak Out</i></b>	<b><i>Pass-By</i></b>
<b><i>210</i></b>	<b><i>48</i></b>	<b><i>4</i></b>	<b><i>1</i></b>	<b><i>3</i></b>	<b><i>5</i></b>	<b><i>3</i></b>	<b><i>2</i></b>	<b><i>N/A</i></b>
<b><i>220</i></b>	<b><i>652</i></b>	<b><i>50</i></b>	<b><i>10</i></b>	<b><i>40</i></b>	<b><i>61</i></b>	<b><i>39</i></b>	<b><i>21</i></b>	<b><i>N/A</i></b>
<b><i>310</i></b>	<b><i>392</i></b>	<b><i>29</i></b>	<b><i>17</i></b>	<b><i>12</i></b>	<b><i>31</i></b>	<b><i>15</i></b>	<b><i>16</i></b>	<b><i>N/A</i></b>
<b><i>931</i></b>	<b><i>540</i></b>	<b><i>5</i></b>	<b><i>N/A</i></b>	<b><i>N/A</i></b>	<b><i>45</i></b>	<b><i>17</i></b>	<b><i>8</i></b>	<b><i>20</i></b>
<b><i>Total</i></b>	<b><i>1,632</i></b>	<b><i>88</i></b>	<b><i>28</i></b>	<b><i>55</i></b>	<b><i>142</i></b>	<b><i>74</i></b>	<b><i>47</i></b>	<b><i>20</i></b>

*Based on these estimates, the impact of the proposed development onto Crighton Drive is considered to be moderate. The NRA would request that the CPA have the applicant reconsider the intensity of the development as Crighton Drive, although the pavement after our last inspection in 2020 is considered fair averaging at 76, has been noted to have some base issues as can be noted with the undulations (or wave like) patterns of the road.*

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

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

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

*A six (6) foot sidewalk shall be constructed on Crighton Drive, within the property boundary, to NRA standards. **Please have applicant adjust and comply.***

*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 Crighton 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. Catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*

*At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road*

*encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as*

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

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

## **Department of Environment**

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

*Given the type of development (i.e. a hotel/resort development), the scale and the location of the proposal, the project was screened for an Environmental Impact Assessment (EIA) as outlined in Schedule 1 of the National Conservation Council's Directive for EIAs issued under section 3(12) (j) and which has effect under section 43(2) (c) of the National Conservation Act. The Screening Opinion was considered and endorsed by the National Conservation Council at their meeting on the 19th of January 2022 and is provided in appendix 1 of this review attached. It was determined that whilst there are environmental impacts associated with this project, as detailed below and in the Screening Opinion, the project does not require an EIA to be conducted.*

### **The Site and Ecology**

*The land area of the site is man-modified (as shown in Figure 1 below); it was historically cleared of mangroves and filled and is therefore of limited ecological value. However, the canal areas around the site are of ecological value as they contain seagrass beds, benthic algae and marine species which rely on these important habitats. Direct impacts will be caused in the areas where the canal is to be filled and those sections of proposed new waterways. Indirect impacts will also be caused by the excavation of the material in the boat slips and canal extension as well as in the construction of the proposed docks. Fine silt is easily disturbed and suspended during excavation in marl areas resulting in detrimental sediment plumes which can impact surrounding seagrass communities and marine organisms that depend on good water quality. Therefore, it is important to limit the impacts of sediment plumes generated during the works through the use of silt screens and other turbidity control measures. The applicant has indicated in their submission that they intend to use silt screens to militate against this risk.*

*Additionally, the extension of the canal will add further water volume towards the end of a 'deadend' canal system that may have implications for water quality due to inadequate water movement and flushing. Canals in excess of 8ft water depth (the proposed is to be excavated to 12ft) often are too deep to allow sufficient ambient light to reach the canal seafloor which prevents the establishment of marine plants and algae responsible for*

*assisting with water quality through absorption of excess nutrients and production of oxygen. Given the massing of boating facilities, marinas and theoretical number of boats proposed for this small area of canal there is a potential for boating related pollution to further exacerbate poor water quality. Water quality concerns associated with the extension to the existing canal and its impacts on water movement and flushing on the overall ecological health of the marine waters in the vicinity of the development should be addressed through the use of recognised flushing analysis models.*

#### *Socio-Economics*

*Given the large number of uncertainties around local and international COVID-19 restrictions and reopening strategy, forecasting future hotel demand is extremely challenging. Recovery of the tourism industry on a whole is likely to be difficult to predict and COVID-19 has also accelerated the adoption of alternatives to travel such as the use of digital collaboration tools reducing the need to travel for face-to-face meetings, which is likely to have long-term implications for business travel demand. The draft National Planning Framework recognises that “the growth of tourism in the Cayman Islands, particularly the development of large hotels and condos along Seven Mile Beach, can appear to dominate the streetscape and create a perception that overdevelopment is occurring” (section 12, P.100). Goal 1 of the Tourism chapter includes the following action items:*

- Ensure that future tourist accommodation is deemed necessary and designed with long term goals in mind.*
- Applications should be accompanied by a market analysis that illustrates demand for the proposed development.*

*RB5- The Road Back to 500K Air Arrivals Strategic Tourism Plan, Reassessed Goal 2 states “There is significant economic fallout for many small businesses and some larger ones. The focus will now be on helping tourism enterprises to recover and survive when the country reopens. It will not be possible to save all businesses, but urgent efforts will be made to assess and provide support, where feasible. The nature of the support referred to in item (5) will be adjusted so that while focus remains on developing some new businesses there will be a concerted effort to support existing ones.” Item 5 above refers to “Facilitate and attract development of small and micro tourism-related businesses, boutique hotels, vacation homes, and other non-traditional accommodations services in priority sustainable development areas.” Appendix 3 of RB5 lists potential and approved/incomplete projects likely to come online that could saturate Grand Cayman’s accommodation market at a time when there will be increased competition between destinations and on-island as tourism recovers. Accordingly, there should be an evaluation of the need for further hotel development in the western part of Grand Cayman. Item 5 as detailed above refers to the need to support boutique hotels, vacation homes, and non-traditional accommodation services, and the approval of a further 9 storey hotel goes against this policy.*

#### *Daylight, Sunlight, Overshadowing, Overlooking and Cumulative Effects*

*The Proposed Development has three 7-storey buildings and three 9-storey buildings of up to 120ft tall. As the adjacent properties to the north are single family homes in fairly close proximity, there is significant overlook by the Proposed Development. The nearest single family home to the Proposed Development is approximately 175ft from the nearest 120ft tall*

9-storey building. The Proposed Development will likely cause adverse effects on the adjacent property from overshadowing and overlooking, potentially undermining the privacy of those properties.

Consideration should be given to whether this scale of development is appropriate in this instance given the character of the area and the proximity of existing residential properties. Although ten storey buildings are becoming more common along the Seven Mile Beach corridor and in Camana Bay, this proposal would be the tallest on the North Sound coastline outside of a Planned Area Development. Consideration should be given to the cumulative impacts of the Proposed Development in the context of the already proposed and potential development of the wider area, especially in relation to the viability of tourism as outlined in the socio-economics section above. With several new hotels proposed for development and currently under construction along the Seven Mile Beach corridor including the Grand Hyatt and Hotel Indigo this project will add to the accumulation of hotel capacity for which the need should be suitably assessed.

### Conclusions

While the DOE does not recommend the Proposed Development be the subject of an EIA, there are potential significant impacts to the surrounding areas due to the excavation works to expand the canal areas, water quality issues relating to increased length of the canal, overshadowing and overlooking of the neighbouring properties, and traffic impacts. However, an EIA is not considered the most appropriate vehicle to assess these effects. The Department of Planning is developing the draft National Planning Framework which would include carrying capacity studies to examine and determine the potential growth within the Seven Mile Beach corridor which should be used to assess proposals such as this one. Similarly the Revised Tourism Plan for the Cayman Islands 2020 should be considered and give guidance to the suitability of a project like the Proposed Development.

The DOE recommends that a hotel needs assessment is carried out to determine the need for hotels in this area. We strongly recommend that this study is completed and the results are reviewed prior to determining this planning application.

In addition, water quality concerns associated with the extension to the existing canal and its impacts on water movement and flushing on the overall ecological health of the marine waters in the vicinity of the development should be addressed through the use of recognised flushing analysis models. Best practice would dictate that this should be required prior to determination of the application. However, if the CPA is minded not to require this in advance of determination, at a minimum it should be a condition of the planning permission.

### Screening Opinion for the Proposed Land Ltd. (Prisma) Hotel and Condo. Development 7 Jan 2022

#### *Executive Summary*

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in the Directive to determine whether an EIA may be required.



*The Proposed Development, Land Ltd. (Prisma) Hotel and Condos, is a proposal including a 9-storey hotel with 44 guestrooms, 5 apartment buildings (7 or 9 storeys in height) with 58 apartments, 10 duplexes, 20 townhouses, 5 house lots, a restaurant, a bar/café, 20 pools, a canal marina, docks and parking facilities. As the Proposed Development is a hotel development, it was screened to determine whether an EIA was required. Five potential areas of impact were identified: transport, socio-economics, water quality, overlooking and overshadowing and cumulative effects.*

*The main socio-economic consideration in relation to the Proposed Development is the need for a further 9-storey hotel development, particularly in the face of great economic uncertainty associated with the COVID-19 pandemic. The DOE recommends that a hotel needs assessment is carried out to determine the suitability of hotels in this area as per the recommendations of the Draft National Planning Framework and the Tourism Plan for the Cayman Islands 2020. Additionally, water quality concerns associated with the extension to the existing canal and its impacts on water movement and flushing on the overall ecological health of the marine waters in the vicinity of the development should be addressed through the use of recognised flushing analysis models.*

*Other implications should also be assessed in the planning application review, including the impacts of overlooking and overshadowing on surrounding land uses and the impact on traffic.*

*The Department of Environment is of the opinion that the Proposed Development does not require an EIA in order for these concerns to be appropriately addressed.*

#### *Introduction*

*The process for determining whether an Environmental Impact Assessment (EIA) is needed is a statutory process that is governed by the National Conservation Act (NCA). This first stage, where the relevant authorities decide if a development is one requiring an EIA (i.e. requires an EIA), is called screening.*

*The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) issued under section 3(12) (j) and which has effect under section 43(2) (c) of the NCA, notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in sections 2 to 3 of Schedule 1 of the Directive to determine whether an EIA may be required. The Proposed Development falls within Schedule 1, i.e. a hotel development.*

*The screening criteria include:*

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

*These screening criteria have been considered with respect to the Proposed Development in order to determine whether an EIA is required.*

### *The Site*

*The site is located at Block 17A Parcels 170REM1, 145 and 146, on Crighton Drive in Crystal Harbour. Figure 1 shows the site location. The site occupies an area of approximately 6.25 acres surrounded by single home residential parcels, the North Sound Golf Course and the Holiday Inn Hotel. The parcels to the south of the Proposed Development are vacant residential parcels adjacent to the Golf Course. The parcels to the north and west are single family home residential properties. The parcels to the west of the Proposed Development are future apartment developments forming part of the Diamond's Edge project and the existing 3-storey Holiday Inn Hotel. The subject parcel is currently zoned as Hotel/Tourism Zone 1. The site is man-modified and of low ecological value as it was filled during the original works to create Crystal Harbour. However, the works to expand the water ways into the property in order to provide the marina and boat slips has the potential to impact the surrounding canal (see Ecology section below).*

*The geo-technical characteristics of the site may also be of concern due to the potentially inadequate fill stability from the original works. The site was originally mangroves and the area was transformed into a dredged and filled residential canal development during the 1980s/90s. Although the excavated fill material is typically marl and considered suitable for the building of smaller scale developments such as houses, there are known to be areas where de-mucking of underlying layers of peat was not carried out. These underlying layers of unstable material have caused issues with subsidence in structures including the roads in this area in the past. Geotechnical investigations should be thorough in order to ensure that the site is suitable for the construction of large buildings up to 9-storeys high.*

### *Proposed Development*

#### *Description of the Proposed Development*

*The Proposed Development, Land Ltd. (Prisma) Hotel and Condos, is a proposal including a 9-storey hotel with 44 guestrooms, 5 apartment buildings (7 or 9 storeys in height) with 58 apartments, 10 duplexes, 20 townhouses, 5 house lots, a restaurant, a bar/café, 20 pools, a canal marina, docks and parking facilities. The proposed maximum building height of 120ft conforms to the maximum permitted height of a building of 130ft in Hotel/Tourism Zone 1.*

#### *Planning History*

*There have been no applications or other actions for this site since Crystal Harbour was filled and the parcels were subdivided to create the residential area.*

#### *Characteristics of Potential Impact*

*The baseline conditions, the potential impact of the Proposed Development and any likely significant effects have been qualitatively assessed for each of the below environmental aspects. Having due regard to air quality, architectural and archaeological heritage, climate change, flood risk, ground conditions, and noise and vibrations, there are not considered to be significant adverse environmental impacts in this area. With respect to climate change, the proposed development is set back from the coastline and is proposed to be filled to a ground elevation of 8ft above mean sea level around building footprints, therefore it has low*

*vulnerability to sea-level rise. However all structures in the Cayman Islands will be susceptible to an increase in the intensity of storms and more intense but fewer rain events.*

### *Ecology*

*The land area of the site is man-modified, having been historically cleared of mangroves and filled, it is therefore of limited ecological value. However, the canal areas around the site are of ecological value as they contain seagrass beds, benthic algae and multiple marine species which rely on these important habitats.. Although the proposal does not seek to alter the existing waterway areas, direct impacts will be caused in the areas where these are connected to the proposed waterway sections, including the boat slips on the northern edge of the development and the canal extension on the south. The connection of these areas to the existing canal will mean the removal of the existing seawall and excavation of the 'shelf' area which supports it. These works will also potentially cause indirect impacts to the canals by the excavation of the material in the boat slips and canal extension as well as in the construction of the proposed docks. Fine silt is easily disturbed and suspended during excavation in marl areas resulting in detrimental sediment plumes which can impact surrounding seagrass communities and marine organisms that depend on good water quality. Therefore, it is important to limit the impacts of sediment plumes generated during the works through the use of silt screens and other turbidity control measures. The applicant has indicated in their submission that they intend to use silt screens to militate against this risk.*

*Additionally, the extension of the canal will add further water volume towards the end of a 'dead-end' canal system that may have implications for water quality due to inadequate water movement and flushing. Canals in excess of 8ft water depth often are too deep to allow sufficient ambient light to reach the canal seafloor which prevents the establishment of marine plants and algae responsible for assisting with water quality through absorption of excess nutrients and production of oxygen. Given the massing of boating facilities, marinas and theoretical number of boats proposed for this small area of canal there is a potential for boating related pollution to further exacerbate poor water quality. Consequently, water quality concerns associated with the extension to the existing canal and its impacts on water movement and flushing on the overall ecological health of the marine waters in the vicinity of the development should be addressed through the use of recognised flushing analysis models.*

### *Socio-Economics*

*Socio-economics refers to the analysis of how economic activity affects how societies progress, stagnate or regress because of their local or regional economy, or the global economy. The main socio-economic consideration with the Proposed Development is the need for a further large scale apartment and hotel development, particularly in the face of great economic uncertainty associated with COVID-19.*

*The negative effects of COVID-19 on the global, regional and local travel industry have been unprecedented. Given the large number of uncertainties around local and international COVID-19 restrictions and reopening strategy, forecasting future hotel demand is extremely challenging. Recovery of the tourism industry on a whole is likely to be difficult to predict*

*and COVID-19 has also accelerated the adoption of alternatives to travel such as the use of digital collaboration tools reducing the need to travel for face-to-face meetings, which is likely to have long-term implications for business travel demand.*

*Further, the draft National Planning Framework recognises that “the growth of tourism in the Cayman Islands, particularly the development of large hotels and condos along Seven Mile Beach, can appear to dominate the streetscape and create a perception that overdevelopment is occurring” (section 12, P.100). Goal 1 of the Tourism chapter includes the following action items:*

- Ensure that future tourist accommodation is deemed necessary and designed with long term goals in mind.*
- Applications should be accompanied by a market analysis that illustrates demand for the proposed development.*

*The National Tourism Plan (2019-2023) conducted situation analysis which revealed that the spatial distribution of impacts from visitation in Grand Cayman are highly concentrated in the western districts of George Town and West Bay. The districts of Bodden Town, North Side and East End are receiving lower levels of visitation and hence less pressure on tourist attractions (Annex A). The Tourism Plan does not include the objective or goal of further hotel development on the western side of Grand Cayman, instead it notes that the growth in demand for “alternative accommodations” is an important source of competitive advantage for the Cayman Islands, given the Island’s significant inventory of vacation homes and condominiums. The Plan notes that the country has an opportunity to attract visitors looking for unique and distinctive accommodation, with substantial unexploited potential for the development of small and micro tourism-related businesses, guest houses, boutique hotels and home sharing accommodation facilities especially in less-visited areas (East End, North Side, Bodden Town, Cayman Brac, and Little Cayman) (Strategy 2.5).*

*RB5 The Road Back to 500K Air Arrivals Strategic Tourism Plan, Reassessed Goal 2 states “There is significant economic fallout for many small businesses and some larger ones. The focus will now be on helping tourism enterprises to recover and survive when the country reopens. It will not be possible to save all businesses, but urgent efforts will be made to assess and provide support, where feasible. The nature of the support referred to in item (5) will be adjusted so that while focus remains on developing some new businesses there will be a concerted effort to support existing ones.”*

*Item 5 above refers to “Facilitate and attract development of small and micro tourism-related businesses, boutique hotels, vacation homes, and other non-traditional accommodations services in priority sustainable development areas.” Appendix 3 of RB5 lists potential and approved/incomplete projects likely to come online that could saturate Grand Cayman’s accommodation market at a time when there will be increased competition between destinations and on-island as tourism recovers. Accordingly, there should be an evaluation of the need for further hotel development in the western part of Grand Cayman. Item 5 as detailed above refers to the need to support boutique hotels, vacation homes, and non-traditional accommodation services, and the approval of a further 9 storey hotel goes against this policy.*

### *Transport*

*The Proposed Development has 223 parking spaces. There is potential for the Proposed Development to cause significant traffic impacts in the Crystal Harbour area with the addition of road users from the hotel and apartment development depending on the usage of vehicles and the amount of journeys taken. This potential is in part exacerbated by the cumulative effect of other large scale developments planned for the Crystal Harbour area, such as the Diamond's Edge residential development, and the limited existing road infrastructure with only one road access connection to the Esterly Tibbett's Highway via Safehaven Drive. However, we do not believe an EIA is required solely to address the issue of parking provision. A Traffic Impact Assessment should be undertaken for evaluation by the National Roads Authority in their consideration of this proposal.*

*There is also likely to be an increase in boat traffic in the canal system due to the Proposed Development; submitted plans indicate that boat slips and docks to accommodate at least 34 boats will be built. Although this is not likely to result in the congestion of the canal by boat traffic there is the potential for an increase in noise and incidence of use of the canal by commercial boats taking passengers to and from the Proposed Development's hotel. It should be considered whether the Crystal Harbour canal development is suitable for and was intended for the berthing and passage of commercial boats especially given the current single residence land use of the area.*

### *Daylight, Sunlight, Overshadowing and Overlooking*

*The Proposed Development has three 7-storey buildings and three 9-storey buildings of up to 120ft tall. As the adjacent properties to the north are single family homes in fairly close proximity, there is significant overlook by the Proposed Development. The nearest single family home to the Proposed Development is approximately 175ft from the nearest 120ft tall 9-storey building. The Proposed Development will likely cause adverse effects on the adjacent property from overshadowing and overlooking, potentially undermining the privacy of those properties. Consideration should be given to whether this scale of development is appropriate in this instance given the character of the area and the proximity of existing residential properties.*

### *Cumulative Effects*

*Although ten storey buildings are becoming more common along the Seven Mile Beach corridor and in Camana Bay, this proposal would be the tallest on the North Sound coastline outside of a Planned Area Development. The proposed development will be visually prominent and there will be visual amenity effects as it will be visible from much of the North Sound Coastline as many of the other large buildings along Seven Mile Beach are. The cumulative effect of buildings of this height should be considered as it will significantly alter the skyline of this part of Grand Cayman.*

*As previously mentioned, traffic impacts are also a potentially significant negative impact of the Proposed Development and the effects of this would accumulate with the construction of other developments in this area potentially causing traffic issues due to the limited road infrastructure linking the area to the Esterly Tibbetts Highway.*

*Consideration should be given to the Cumulative impacts of the Proposed Development in the context of the already proposed and potential development of the wider area, especially in relation to the viability of tourism as 7 outlined in the socio-economics section above. With several new hotels proposed for development and currently under construction along the Seven Mile Beach corridor including the Grand Hyatt and Hotel Indigo this project will add to the accumulation of hotel capacity for which the need should be suitably assessed.*

#### *Conclusions*

*While the DOE does not recommend the Proposed Development be the subject of an EIA, there are potential significant impacts to the surrounding areas due to the excavation works to expand the canal areas, water quality issues relating to increased length of the canal, overshadowing and overlooking of the neighbouring properties, and traffic impacts. However, an EIA is not considered the most appropriate vehicle to assess these effects. The Department of Planning is developing the draft National Planning Framework which would include carrying capacity studies to examine and determine the potential growth within the Seven Mile Beach corridor which should be used to assess proposals such as this one. Similarly the Revised Tourism Plan for the Cayman Islands 2020 should be considered and give guidance to the suitability of a project like the Proposed Development.*

*The DOE recommends that a hotel needs assessment is carried out to determine the need for hotels in this area. We strongly recommend that this study is completed and the results are reviewed prior to determining this planning application.*

*In addition, water quality concerns associated with the extension to the existing canal and its impacts on water movement and flushing on the overall ecological health of the marine waters in the vicinity of the development should be addressed through the use of recognised flushing analysis models.*

*After considering the Screening Opinion detailed above, the NCC is required to issue its decision to the originating entity on the requirement for an EIA, pursuant to Section 43 (1)*

#### *Notice of National Conservation Council Decision Ref:*

##### *Proposed Land Ltd. (Prisma) Hotel and Condo. Development*

*1) The Proposed Development, Land Ltd. (Prisma) Hotel and Condos, is a proposal including a 9-storey hotel with 44 guestrooms, 5 apartment buildings (7 or 9 storeys in height) with 58 apartments, 10 duplexes, 20 townhouses, 5 house lots, a restaurant, a bar/café, 20 pools, a canal marina, docks and parking facilities.*

*2) The proposed action is Planning Approval by the Central Planning Authority (CPA) of the Proposed Development.*

*3) The Proposed Development is a hotel development and so falls within Schedule 1 (those proposed activities which need to be screened to determine if an Environmental Impact Assessment is required) of the National Conservation Council's Directive for Environmental Impact Assessments (EIAs) issued under section 3(12) (j) and which has effect under section 43(2) (c) of the National Conservation Act.*

- 4) *The Proposed Development was considered by the National Conservation Council at its working group session on 19 January 2022.*
- 5) *Council noted a variety of factors, including but not limited to a. The Department of Environment's Screening Opinion of 7 January 2022 for the Proposed Land Ltd. (Prisma) Hotel and Condo. Development. b. That relevant assessments of the possible impacts of the Proposed Development could be made which would allow the Central Planning Authority to make an informed decision, without recourse to a full Environmental Impact Assessment. c. That a hotel needs assessment should be carried out to determine the suitability of hotels in this area as per the recommendations of the Draft National Planning Framework and the Tourism Plan for the Cayman Islands 2020. d. That water quality concerns associated with the extension to the existing canal and its impacts on water movement and flushing on the overall ecological health of the marine waters in the vicinity of the development should be addressed through the use of recognised flushing analysis models.*
- 6) *Under section 41(3) of the National Conservation Act, 2013, the Central Planning Authority shall take into account the views of the Council before making their decision regarding the proposed action.*
- 7) *Council decided that that the Proposed Development does not require an Environmental Impact Assessment.*
- 8) *And that this decision would need to be ratified at the next suitable General Meeting of the National Conservation Council.*
- 9) *It should be communicated to the CPA, and by the CPA through their usual and sufficient means of communication to the appropriate parties, that the CPA or a person aggrieved by a decision of the National Conservation Council may, within 21 days of the date on which the decision of the Council is received by them, appeal against the Council decision to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013).*

## **APPLICANT'S SUBMISSION**

See below as well as Appendices C through F

*Below please find the responses to your comments, and objections:*

*Comments from Planning:*

### **1. SIDEWALKS AND PARKING WITHIN ROAD ALLOWANCE - REQUEST VARIANCE OR REVISE**

*A letter from Land Ltd, owner of Block 17A, Parcel 373 has been provided, granting this project the right to use of the Right of Way for construction of sidewalks, curbs, parking spaces and structures necessary for the proposed development. It is also important to note that Land Ltd has in the past provided such variances to homeowners facing the 50' Crighton Drive road reservation, to construct driveways, curbs, parking spaces and or landscape.*

### **2. HAMMERHEAD REQUIRED - NO HAMMERHEAD PROVIDED FOR PROPOSED 5 RESIDENTIAL LOTS -SUGGEST REVISION**

*At a meeting held on January 12th, 2022 between Mr. Popovich and myself, it was agreed that a Hammerhead layout for the end of the interior road was not necessary.*

**3. SOLID WASTE FACILITIES - ONLY SOLID WASTE STORAGE I COULD FIND WAS AT THE PARKING GARAGE -SUGGEST MORE FACILITIES AROUND CANAL BASIN AND APARTMENT/HOTEL BLOCKS**

*Project will handle solid waste operationally, to ensure all waste for both residential and commercial is picked up and brought to the single centralized point, located at the parking lot.*

**4 SEWAGE TREATMENT - COULD FIND NO SEWAGE TREATMENT PLANTS OR SEPTIC SYSTEMS**

*Sewage system exists in Crystal Harbour. Prisma will connect to it.*

**5. SUBDIVISION LOT AREAS - REGULATION 11(1)(D) REQUIRES MINIMUM 10,000 SQ FT FOR HOUSES -ONLY ONE LOT SATISFIES THIS REQUIREMENT -REVISE OR APPLY FOR VARIANCE**

*Plans have been revised to show a single vacant lot for future single-family homes, with a total area of +/- 42,000 s.f.*

**6. ACCESSIBLE PARKING SPACES - COULD ONLY FIND 2 SPACES ON SP1.3 - REQUIRE MINIMUM 6 -REVISE OR VARIANCE REQUIRED**

*Plans have been revised to show 6 accessible spaces*

**7. RESTAURANT SETBACK FROM CANAL - MINIMUM 20 FEET REQUIRED -14 9 PROPOSED -REVISE OR APPLY FOR VARIANCE**

*Plans have been revised to show a 20'-0" setback from the canal*

**8. TOWNHOUSE 101 CANAL SETBACK - MIN 20 FEET REQUIRED -16 4 PROPOSED -REVISE OR APPLY FOR VARIANCE**

*Variance to canal setback has been requested for Duplexes and Townhomes*

**9. TOWNHOUSE 504 SETBACK FROM SIDE BOUNDARY - MINIMUM 20 FEET REQUIRED -5 9 PROPOSED -REVISE OR APPLY FOR VARIANCE**

*Plans have been revised to show 20'-0" side setback from the adjacent vacant lot*

**10. TOWNHOUSE CANAL SETBACKS - MIN 20 FEET REQUIRED -4 10 PROPOSED TO POOL -REVISE OR APPLY FOR VARIANCE**

*Variance to canal setback has been requested for Duplexes and Townhomes*

**11. APARTMENT BUILDING 1 SETBACK FROM CANAL - MINIMUM 20 FEET REQUIRED -18 1 PROPOSED -REVISE OR APPLY FOR VARIANCE**

*Plans have been revised to show a 20'-0" setback from the canal*

**12. HOTEL SETBACK TO CRIGHTON DRIVE - MINIMUM 20 FEET REQUIRED -9 5 PROPOSED -REVISE OR APPLY FOR VARIANCE**

*Variance for this setback has been requested*



**13. DUPLEX SETBACKS FROM SIDE BOUNDARIES - MINIMUM 20 FEET REQUIRED -10 8 & 4 PROPOSED -REVISE OR APPLY FOR VARIANCE**

*As per Amendment to regulation 10, 6(g) side setback shall be 15'-0". Plans have been revised to show 15'-0" setback from side property lines*

**14. DUPLEX SETBACK FROM CANAL - MIN 20 FEET REQUIRED -2 3 PROPOSED - REVISE OR APPLY FOR VARIANCE**

*Variance to canal setback has been requested for Duplexes and Townhomes*

**15. PARKING - TOWNS AND DUPLEXES ARE FINE - APARTMENTS, RESTAURANT, RETAIL AND HOTEL REQUIRE 169 SPACES -154 PROPOSED -REVISE OR APPLY FOR VARIANCE**

*Plans have been revised to show a total of 239 spaces.*

**16. COMBINED LOT AREA - PLANS INDICATE 328,508 SQ FT -MY CALCULATION INDICATES 324,418.9 SQ FT**

*Letter from surveyor confirming the square footage has been provided.*

*Comments from Government Agencies:*

**DEH:**

*Solid Waste Facility: This development will require (4) 8 cubic yard containers with 4 times per week servicing. The drawing must be revised to indicate the number of bins required.*

*-Plans have been revised to show a Solid Waste Facility with the number of bins required*

*Restaurant: The following must be provided for review and approval at the BCU stage: 1. Detailed plans showing the kitchen layout with all equipment. 2. Seating capacity for the restaurant. 3. Restrooms must not open directly unto dining or seating area. 4. Specifications on all equipment including the exhaust system and hot water heater.*

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

*-All above comments will be addressed during the BCU permitting process.*

**Fire Department:**

*As per Building code amendments 310.2 Fire department vehicle access. All R1 and R2 occupancies three (3) or more stories in height shall provide open space of at least twenty (20) feet wide along three side of the building.*

*-Site plan has been revised to show a 20' wide Fire Lane, as required.*

*Please depict proposed Fire Hydrants and Fire wells.*

*-Site plan has been revised to show Fire Hydrants and Fire Wells, and details and calculations will be provided during the BCU permitting process.*

**DoE**

*Given the type of development (i.e. A hotel/resort development), the scale and the location of the proposal, the project was screened for an environmental impact assessment (EIA) as outlined in schedule 1 of the national conservation council's directive for EIAs issued under section 3(12) (j) and which has effect under section 43(2) (c) of the national conservation act. The screening opinion was considered and endorsed by the national conservation council at their meeting on the 19th of January 2022 and is provided in appendix 1 of this review attached. It was determined that whilst there are environmental impacts associated with this project, as detailed below and in the screening opinion, the project does not require an EIA to be conducted.*

*-We welcome the decision that this project does not require an EIA.*

*The site and ecology:*

*The land area of the site is man-modified (as shown in figure 1 below); it was historically cleared of mangroves and filled and is therefore of limited ecological value. However, the canal areas around the site are of ecological value as they contain seagrass beds, benthic algae and marine species which rely on these important habitats. Direct impacts will be caused in the areas where the canal is to be filled and those sections of proposed new waterways. Indirect impacts will also be caused by the excavation of the material in the boat slips and canal extension as well as in the construction of the proposed docks. Fine silt is easily disturbed and suspended during excavation in marl areas resulting in detrimental sediment plumes which can impact surrounding seagrass communities and marine organisms that depend on good water quality. Therefore, it is important to limit the impacts of sediment plumes generated during the works through the use of silt screens and other turbidity control measures. The applicant has indicated in their submission that they intend to use silt screens to militate against this risk.*

*Additionally, the extension of the canal will add further water volume towards the end of a 'dead-end' canal system that may have implications for water quality due to inadequate water movement and flushing. Canals in excess of 8ft water depth (the proposed is to be excavated to 12ft) often are too deep to allow sufficient ambient light to reach the canal seafloor which prevents the establishment of marine plants and algae 5 responsible for assisting with water quality through absorption of excess nutrients and production of oxygen. Given the massing of boating facilities, marinas and theoretical number of boats proposed for this small area of canal there is a potential for boating related pollution to further exacerbate poor water quality. Water quality concerns associated with the extension to the existing canal and its impacts on water movement and flushing on the overall ecological health of the marine waters in the vicinity of the development should be addressed through the use of recognized flushing analysis models.*

*-Developer will only allow two boats owned by the strata to moor along the central basin. No other boats will be allowed to moor along the boardwalk or within the central basin.*

*With regards to the existing canals and proposed extension, it is important to note that the depth of all existing canals in Crystal Harbour vary from 12' to 14'. Developer will consult with a local Civil Engineer to review the options to address the DoE's concerns and will present these options during the BCU permitting process. Additionally, Developer will*

*consult with the DoE on the sequencing of the canal extension, and the construction of the boat slips.*

*The site of the proposed hotel and condo development Socio-economics:*

*Given the large number of uncertainties around local and international covid-19 restrictions and reopening strategy, forecasting future hotel demand is extremely challenging. Recovery of the tourism industry on a whole is likely to be difficult to predict and covid-19 has also accelerated the adoption of alternatives to travel such as the use of digital collaboration tools reducing the need to travel for face-to-face meetings, which is likely to have long-term implications for business travel demand. The draft national planning framework recognizes that “the growth of tourism in the Cayman Islands, particularly the development of large hotels and condos along seven mile beach, can appear to dominate the streetscape and create a perception that overdevelopment is occurring” (section 12, p.100). Goal 1 of the tourism chapter includes the following action items:*

- ensure that future tourist accommodation is deemed necessary and designed with long term goals in mind.*
- applications should be accompanied by a market analysis that illustrates demand for the proposed development.*

*Rb5- the road back to 500k air arrivals strategic tourism plan, reassessed goal 2 states “there is significant economic fallout for many small businesses and some larger ones. The focus will now be on helping tourism enterprises to recover and survive when the country reopens. It will not be possible to save all businesses, but urgent efforts will be made to assess and provide support, where feasible. The nature of the support referred to in item (5) will be adjusted so that while focus remains on developing some new businesses there will be a concerted effort to support existing ones.” Item 5 above refers to “facilitate and attract development of small and micro tourism-related businesses, boutique hotels, vacation homes, and other non-traditional accommodations services in priority sustainable development areas.” Appendix 3 of rb5 lists potential and approved/incomplete projects likely to come online that could saturate grand 6 Cayman’s accommodation market at a time when there will be increased competition between destinations and on-island as tourism recovers. Accordingly, there should be an evaluation of the need for further hotel development in the western part of grand Cayman. Item 5 as detailed above refers to the need to support boutique hotels, vacation homes, and non-traditional accommodation services, and the approval of a further 9 storey hotel goes against this policy.*

*-Although the proposed hotel is 9 stories, it is important to note that it includes only 44 Boutique style guest suites, which are scheduled to be completed in 3 years. It is also important to note that while the proposed apartment and hotel structures vary from 7 to 9 stories, each building contains only 10 and 14 units, respectively, and the hotel offers only 44 rooms. The density allowed for apartments in this site is 189 units, and our proposed development offers 58 (69% less); with regards to hotel rooms, the site allows for 490 rooms, and we are proposing 44 (91% less)*

*Daylight, sunlight, overshadowing, overlooking and cumulative effects*

*The proposed development has three 7-storey buildings and three 9-storey buildings of up to 120ft tall. As the adjacent properties to the north are single family homes in fairly close proximity, there is significant overlook by the proposed development. The nearest single-family home to the proposed development is approximately 175ft from the nearest 120ft tall 9-storey building. The proposed development will likely cause adverse effects on the adjacent property from overshadowing and overlooking, potentially undermining the privacy of those properties.*

*-The orientation and placement of the 7-story and 9-story Apartment and Hotel buildings was carefully studied to ensure the least impact on neighboring properties. It is also important to note that the owner of the nearest single-family home (mentioned above to be 175ft from the nearest 9-story building) has not objected to this application.*

*Consideration should be given to whether this scale of development is appropriate in this instance given the character of the area and the proximity of existing residential properties. Although ten storey buildings are becoming more common along the sevenmile beach corridor and in Camana bay, this proposal would be the tallest on the north sound coastline outside of a planned area development. Consideration should be given to the cumulative impacts of the proposed development in the context of the already proposed and potential development of the wider area, especially in relation to the viability of tourism as outlined in the socio-economics section above. With several new hotels proposed for development and currently under construction along the seven-mile beach corridor including the Grand Hyatt and hotel Indigo this project will add to the accumulation of hotel capacity for which the need should be suitably assessed.*

*The overall project, including the hotel has been carefully planned to embrace and enhance the surrounding properties. As explained in the Design Brief provided, the various elements, including the Hotel, have been situated in relation to similar elements, 7 like the existing Holiday Inn hotel, to provide a coordinated project that blends with its surroundings.*

### *Conclusions*

*While the DoE does not recommend the proposed development be the subject of an EIA, there are potential significant impacts to the surrounding areas due to the excavation works to expand the canal areas, water quality issues relating to increased length of the canal, overshadowing, and overlooking of the neighboring properties, and traffic impacts. However, an EIA is not considered the most appropriate vehicle to assess these effects. The department of planning is developing the draft national planning framework which would include carrying capacity studies to examine and determine the potential growth within the seven-mile beach corridor which should be used to assess proposals such as this one. Similarly, the revised tourism plan for the Cayman Islands 2020 should be considered and give guidance to the suitability of a project like the proposed development.*

*The DoE recommends that a hotel needs assessment is carried out to determine the need for hotels in this area. We strongly recommend that this study is completed, and the results are reviewed prior to determining this planning application.*

*-As mentioned above, the proposed hotel, which is planned to be completed in 3 years, offers only 44 Boutique style guest suites. The Developer also has extensive experience in*

*the hospitality sector and is confident that this product is appropriate for this location and will be welcomed as a positive addition to Cayman's tourism product.*

*In addition, water quality concerns associated with the extension to the existing canal and its impacts on water movement and flushing on the overall ecological health of the marine waters in the vicinity of the development should be addressed through the use of recognized flushing analysis models. Best practice would dictate that this should be required prior to determination of the application. However, if the CPA is minded not to require this in advance of determination, at a minimum it should be a condition of the planning permission.*

*-With regards to the existing canal and proposed extension the Developer was the original developer of the canal system and is mindful of any impacts this project might bring and will be using careful study and analysis of the approach and monitoring of the canal excavation. Finally, it's important to note that while the majority of Cayman is serviced by 30' roads, Crystal Harbour offers 50' road reservations. Crystal Harbour is also in the process of widening the main Crystal Harbour East access to allow for 2 entrances and 1 exit, which will ease any traffic concerns.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on Crighton Drive, generally across the street from the Holiday Inn.

The proposal is for the following:

- Five apartment buildings (total 58 units) – three that are seven storeys and two that are nine storeys
- Five three-storey duplexes
- Twenty three-storey townhouses in a total of five blocks
- One restaurant with owners lounge
- Area for future residential lots
- Two storey parking garage and parking area (Parcels 145 & 146)
- Excavation for canal extension (basin)

A total of 219 parking spaces are required and 235 parking spaces have been provided. The majority of the proposed parking spaces (89) are on parcels 145 and 146. Six accessible parking spaces are proposed for the development.

Notification was served on landowners within 500 feet of the three properties and two advertisements were placed in a local newspaper. Objections have been received and are provided in the Appendix B.

### **Zoning**

The three properties are zoned Hotel/Tourism and Low Density Residential. The basin centred property is zoned Hotel/Tourism whereas parcels 145 & 146 are zoned Low Density Residential.

## **Specific Issues**

### **1) Parking & Sidewalks within Road Allowance**

Department staff note that some of the proposed sidewalks and parking spaces are located within the Crighton Road road allowance.

In general, the NRA and CPA typically require the sidewalks and parking areas to be located within the property boundaries.

Land Limited, the registered owner of Crighton Road, has provided correspondence indicating that they have no objection to these features being located within the road allowance.

### **2) Concerns of the Objectors**

Department staff have provided the letters of objection in an Appendix.

It is noted that the majority of the submitted letters are form letters with similar wording.

### **3) Combination of Parcels 145 & 146**

Should the application be granted planning permission, the Department would recommend that the existing parcels for the proposed main parking area and parking garage be combined into one parcel.

### **4) Canal Setback for Townhouses (4'10" vs 20')**

Regulation 8(10)(ea) states that in areas where the shoreline is canal, all structures and buildings, including ancillary buildings, walls, and structures shall be setback a minimum of 20 feet from the physical canal edge.

The proposed townhouses will be setback a minimum of 4'10" from the edge of the canal.

The applicant has applied for a variance and submitted a variance letter.

### **5) Duplex Setback from Canal (2'3" vs 20')**

Regulation 8(10)(ea) states that in areas where the shoreline is canal, all structures and buildings, including ancillary buildings, walls, and structures shall be setback a minimum of 20 feet from the physical canal edge.

The proposed duplexes would be setback 2'3" from the canal edge.

The applicant has applied for a variance and submitted a variance letter.

## **SUPPLEMENTARY ANALYSIS**

Revised plans have been submitted by the applicant that eliminate the proposed hotel building from the development. The area previously occupied by the hotel is proposed to be landscaped.

The removal of the 44 bedroom hotel from the development also reduces the number of required parking spaces from 219 to 197. The applicant has provided 244 parking spaces, including 6 accessible spaces.

The number of access points onto Crighton Drive has also been reduced by two as a result

of the revision.

The applicant has provided the following correspondence regarding the amended proposal:

*Notwithstanding our previous amended plans which were submitted on February 25th 2022, having further considered the issues raised by the Planning Department, and in light of the fact that we still have our own concerns in relation to our late discovery that one very small corner section of the combined site appears to be zoned Low Density Residential and, although we believe our February 25th submittal fully and properly answers any concerns that this issue could potentially bring to an approval of the project we have decided to further amend the application by removing the proposed hotel building in its entirety from this application, so that the project be considered for approval on that basis, without the need to address any issue which may be raised in regards to the very small element of LDR zoned land. The Applicant intends to proceed now with the development comprised in the amended plans and will in the meanwhile consider what may need to be done to address the LDR zoning issue before it decides whether and how to proceed with seeking permission for the Hotel development.*

*Having completed our review, we hereby submit revision four (4) to our initial application made November 28th, 2021. For ease of reference, and to preserve the integrity of the plans, as well as to accurately represent the scope of the development for which permission is being sought at this time, we are submitting a full set of amended plans for the project including revisions made since the February 9th deferral, revision three (3) and this amendment, revision four (4).*

*As a result of the removal of the hotel element from the proposed development, you will note that the overall density of the site is reduced by forty (40) units, the building area is reduced by 35,849 sq. ft from 326,980 sq. ft to 291,131 sq. ft., the excess parking is increased from twelve (12) to thirty-seven (37) spaces and the number of vehicular access points onto Crighton drive has been reduced by two.*

*We believe that the removal of the hotel element, which also results in the removal of the necessity for one of the three previously requested variances, allows the project to proceed to fulfill its potential and bring not only a much-needed variety of residential products to the Seven Mile Beach corridor but also extensive community amenities that will benefit the entire Crystal Harbour community and its surrounds. The removal of the Hotel aspect of the proposed development will also obviously narrow the issues to be discussed and considered by the CPA, and based on the objections which were lodged, should significantly mitigate the concerns of many of the objectors.*

### **3.0 DEVELOPMENT PLAN MATTERS**

#### **3.1 Discussion items:**

- National Planning Framework
- Seven Mile Beach area

### **4.0 PLANNING APPEAL MATTERS**

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

#### **5.1 Construction Operations Plans (NP)**

Discussion of a draft document produced by the Department to address various issue pertaining to Construction Operations Plans.

### **6.0 CPA MEMBERS INFORMATION/DISCUSSION**



## **Appendix B**



The Director of Planning  
Department of Planning  
Government Administration Building  
133 Elgin Avenue  
PO Box 113  
Grand Cayman,  
Cayman Islands  
KY1-9000

4th Floor  
Harbour Centre  
42 North Church St.  
P.O. Box 2255  
Grand Cayman  
KY1-1107  
Cayman Islands

Tel: 1-345-949-0003  
jameskennedy@ksglaw.ky

[www.ksglaw.ky](http://www.ksglaw.ky)

13 January 2022

Sent by: Email only

Dear Sir,

**Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145,146 and 170REM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works...." ("the Application")**

We act for **Catherine & Sebastien Guilbard**, ("our Clients") the interested party and registered owners of property located in Crystal Harbour and legally described as Block **17A, Parcel 157**.

Our Clients wish to register their objections to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Client's objections are based on the following principle concerns contained in the email that is **appended** to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.

Yours faithfully,

A handwritten signature in black ink, consisting of the letters 'KSG' in a stylized, cursive font.

KSG Attorneys at Law

## Hal Ebanks

---

**From:** sebastien guilbard <sebastien@guilbard.com>  
**Sent:** Thursday, January 13, 2022 9:36 AM  
**To:** Hal Ebanks  
**Subject:** Please let me know if you need anything else.

TO: Director of Planning

Dear Sir,

We wish to formally object to the proposed application for Planning permission (P21-1260) and wish for our complaint to be read into the record of any meeting.

We reserve our right to make further representations on this matter through our appointed legal counsel, KSG Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to contradict the Planning and Development Regulations and Act.

**1. Suitability & Building Height**

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighborhood, we invite the members of the Central Planning Authority ("the CPA") to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main tourism corridor which is undoubtedly intertwined with lower density residential areas.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly for a past master plan that never came to be. This piece is now isolated, mainly surrounded by an established low-density residential neighbourhood.

Regulation 8(2)(e)(i) allows maximum buildings heights of 10 storeys/130' for apartments and hotels, it does not guarantee that height as a right nor does it guarantee any mixture of land uses. This is a unique site as it is located in a residential LDR subdivision. Yes, the land to the east is also zoned Hotel/Tourism, but it is along a long, natural shoreline. The H/T zone extends the entirety of the North Sound shoreline, while the remainder of Crystal Harbour is zoned Low Density Residential ("LDR") and separated from the Hotel/Tourism ("H/T") zone by Crighton Drive. This is an odd-shaped lot -it seems there might have been a larger master plan intended at one time that never came to fruition and thus this parcel remained vacant for years.

Building heights in this area are 3-storeys or less with the exception of an approved 4-storey apartment development destined for Block 17A Parcels 350 & 351. The only hotel use in the community is the Holiday Inn Grand Caymanian Resort which is only 3 storeys.

The applicant is correct, that this is one of the last large H/T pieces in the area, which means if it's approved for anything higher than 4 stories it will be the only tower and be out of character with the area. We respectfully submit that High towers are suitable in urban areas or area designed for high-density tourism such as Seven Mile Beach and George Town, **not a gated residential development**.

If CPA is minded to approve the development of the site in the proposed manner, it is clearly not in keeping with the characteristics of the neighborhood and the spirit of the legal framework underpinning development in the Cayman Islands.

**2. Traffic & Road Safety**

Expanding the tourism within the residential subdivision will result in increased commercial traffic. The design offers nothing to mitigate the impacts, but instead we argue, is designed to worsen conflict.

Typically, a mixed-use and hotel development will have 1-2 access points from the road and offer an internal circulation system to direct guests. This proposal has 11 access drives. It is not designed to minimize traffic movements on a residential road. Crystal Harbour residents are able to walk, run and bike safely throughout the neighborhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.



If CPA chooses to support this application, we would ask that conditions be imposed to increase safety by improvements made to Crighton Drive such as striping of traffic lanes, bikes lanes and sidewalks. It appears the existing right-of-width can allow for such road improvements.

**3. Boat Traffic**

Dockside parking is being offered for the signature restaurant, while not much appears to be offered for the hotel. Typically, a hotel with waterfront will offer watersports or charters, which we assume will occur for this proposal. This will introduce commercial boating activity through a residential canal system. There will be a parade of boats coming through, particularly on weekends impacting the residents' privacy and enjoyment of their property. An increase of noise and 'touring the canals' can only be expected creating a further nuisance to the existing owners and therefore diminishing or depriving them of their right to peaceful and quiet enjoyment of their property. We would also like to have a full understanding of any Coastal Works Permits that may have been, or will be sought in relation to this development and reserve all rights to make representations on this aspect.

**4. Parking**

It appears all of the restaurant and hotel parking are provided across Crighton Drive on residential lots Parcel 145 & 146. Are restaurant patrons expected to walk that distance to the restaurant? We submit this proposal will create a safety hazard for pedestrians on the property. The restaurant's taxi-turnaround area shares access with the duplexes and house lots. If the restaurant is successful, this will cause conflict with access for the residences due to the inherent risk of mixing commercial traffic in a low density residential area. The parallel parking in front of the restaurant – is this for the residences or the restaurant – is there a potential for conflict? With the lack of appropriately places parking, we fear the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the subdivision, generating excess noise from vehicles, potential odors from car fumes, and head lights shining onto adjacent properties in the evenings. If the house lots are blocked from parking, this will likely force patrons to park on Crighton Drive. We draw attention to Reg 8.(1)(c) *in a Neighbourhood Commercial zone or Hotel/Tourism zone, twenty-five per cent of the parking space may be located not more than five hundred feet from the respective building.*

**5. Noise**

The hotel includes a rooftop bar and kitchen, which will be the first of its kind within a residential neighbourhood. The proposed bar faces south onto the subdivision. The winds primarily come from the east and therefore the western properties will be negatively impacted by any sounds and odors coming from the roof top bar, restaurant, and any large group boating activities.

Any evening events will most likely have an impact on the neighbourhood with noise and lights which again diminish the owners ability to peaceful enjoyment and privacy of their property.

**6. Hotel Setback Variance**

A small portion of the hotel encroaches the 20' road setback. The applicant claims the following exceptional circumstance to warrant the variance:

*8(13)(b)(ii) unusual terrain characteristics limit the site's development potential.*

We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

**7. Commercial Use in a Residential Zone**

*Reg 9(5) states "No use of land within a residential zone shall be dangerous, obnoxious, toxic or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others".* The ancillary parking lot with a two-storey commercial building is located on a parcel zoned LDR. We argue this use will create nuisance for nearby properties by increasing traffic movements on a residential road (3 driveways for a single occupancy use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage – presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be errors or conflict with Development & Planning Regulations that we hereby ask that the CPA give its reasoned consideration.

- a. The applicant states the proposal area is 7.54 acres, while it is in fact approximately 6.33 acres. It appears the applicant included the whole of Parcel 147 when calculating site

coverage and density, however 0.84 ac of the Parcel is excluded from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.

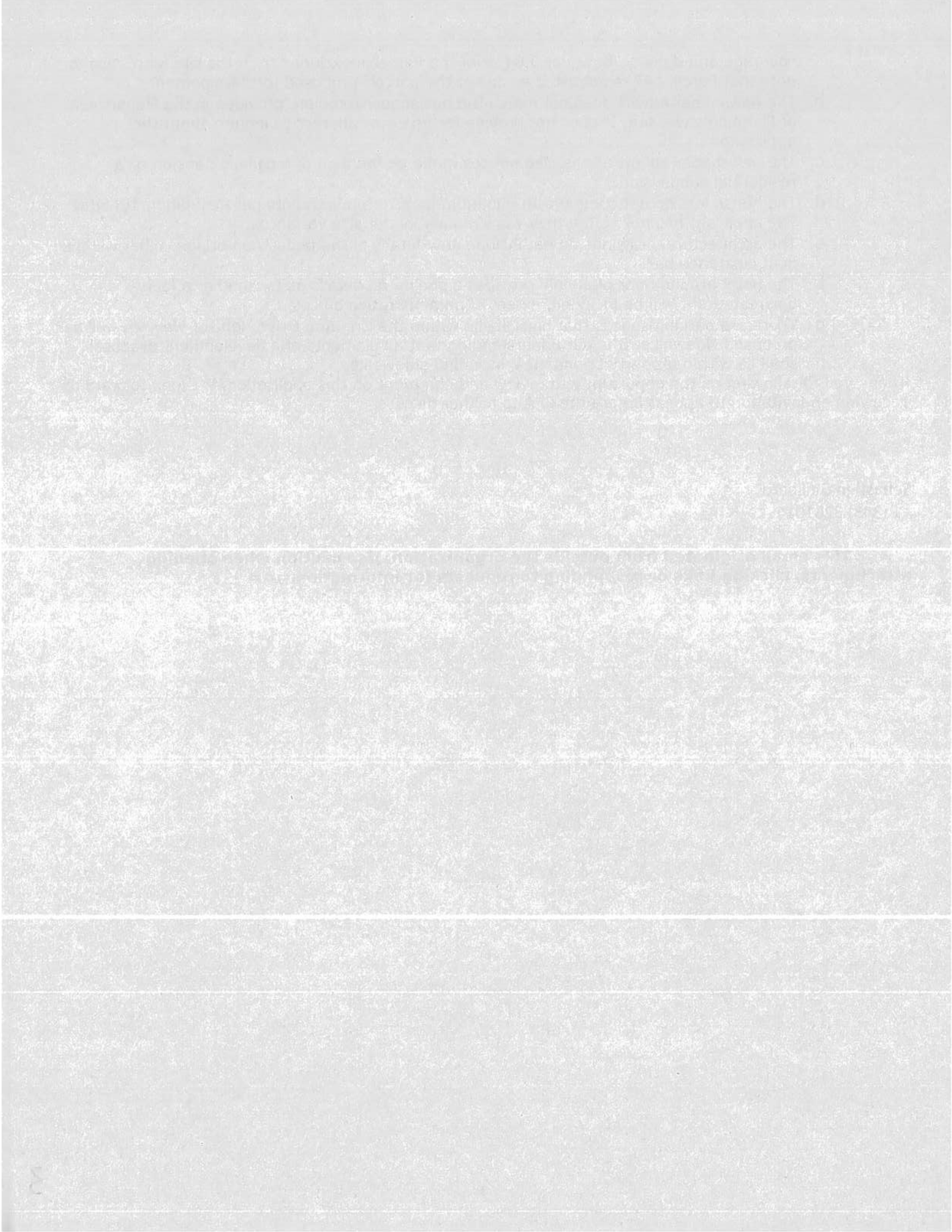
- b. The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide for an email address to inquire about the application.
- c. The newspaper advert and mailed notices make no mention of a canal extension or a residential subdivision.
- d. The house lots do not comply with minimum lot size requirements per Regulation 10(1)(d). The applicant has not stated they were requesting lot size variances.
- e. The architectural drawings do not include any details of the pedestrian bridge. What will the boat clearance be?
- f. The hotel ground floor plan only provides a shell – no details as to whether a lobby bar/restaurant will be included, extent of administrative offices.
- g. There are parking spaces that partially lie within the Crighton Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall lie within property boundaries, including sidewalks.

Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

Sebastien Guillbard  
+1 (345) 3261014

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## Popovich, Nicholas

---

**From:** Department of Planning  
**Sent:** Friday, January 14, 2022 8:39 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: Objection to PROJECT NO.P21-1260, Block 17A Parcels 170REM1, 145 and 146

---

**From:** Guy Manning | Campbells [mailto:GManning@campbellslegal.com]  
**Sent:** Thursday, January 13, 2022 10:39 PM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Objection to PROJECT NO.P21-1260, Block 17A Parcels 170REM1, 145 and 146

Dear Director of Planning,

I am the owner of Block 17A Parcel 352 in Crystal Harbour.

I am writing to object to the recent application for planning permission which has been made in respect of Block 17A Parcels 170REM1, 145 and 146 on the preliminary grounds set out below. In breach of Section 15(4) of the Development and Planning Act (2021 Revision) (the “Act”) and Regulation 8(12A)(a)(iv)) of the Development and Planning Regulations (2021 Revision) (as amended) (the “Regulations”), I have not received notification of the application by certified mail (or otherwise) from the developers. Time has therefore not started to run for the purpose of objecting to the application. I only recently became aware of the proposed development through an article on Cayman News Service and my objections are based on the limited site plans and elevations published on [www.planning.ky](http://www.planning.ky), without having had sight of any more detailed plans (including floor plans) which might have been submitted to but not published by the Department of Planning. I reserve the right to supplement and/or amend my preliminary grounds of objection upon being served with notice of the application in accordance with my statutory right and/or upon revised or additional plans being submitted.

My preliminary grounds of objection are as follows:

**1. The application as published is incomplete and therefore defective, and may contain various breaches of the Regulations**

If the plans published on [www.planning.ky](http://www.planning.ky) comprise the entirety of the submitted plans, they do not meet the requirements of the Regulations. For example:

- 1.1 no floor plans are shown on the application (Regulation 6(1)(a)(ii));
- 1.2 the plans do not appear to show the water and sanitary drainage systems (Regulation 6(4)(f));
- 1.3 the plans do not appear to have been duly certified (Regulation 6(7));
- 1.4 the number of parking spaces cannot be determined (in particular (but without prejudice to the ground at 2.2 below) because the number of spaces in the multi-storey car park on Block 17A Parcels 145 and 146 is not specified), such that it is not possible to determine whether the application complies with



each of the applicable requirements as to the total number and location of parking spaces (Regulation 8(1));

- 1.5 the number of hotel rooms is not specified, such that it is not possible to determine whether the application complies with the applicable hotel parking requirements (Regulation 8(1)(vi)) or the limit on hotel rooms per acre (Regulation 10(1)(a));
- 1.6 the number of apartment rooms is not specified, such that it is not possible to determine whether the application complies with the applicable apartment parking requirements (Regulation 8(1)(viii)) or the limit on apartment rooms per acre (Regulation 10(1)(b));
- 1.7 as the number of hotel and apartment rooms are not specified and the number of parking spaces cannot be identified, it is also not possible to determine whether the total number of parking spaces is sufficient having regard also to the obligation to provide 30 dedicated parking spaces for the 5,569 sq ft restaurant and additional dedicated parking spaces for each detached house and duplex (Regulations 8(1)(iii) and (vii));
- 1.8 the site coverage percentage on Block 17A Parcel 170REM1 is not specified, such that it is not possible to determine whether the applicable maximum coverage has been complied with (Regulation 10(e)). It is noted that the corner plots at the west end of the Parcel are shown as being a vacant subdivision. No subdivision is mentioned in the plans. Deducting the area of the proposed vacant plots increases the density of the proposed project, but it is not possible to calculate the percentage of coverage because the necessary information has not been provided; and
- 1.9 the site coverage percentage on Block 17A Parcels 145 and 146 is not specified, such that it is not possible to determine whether the multi-storey car park and the parking area on Block 17A Parcels 145 and 146 exceed 75% of the area of those parcels, although they appear to do so (Regulation 8(1)).

## **2. Actual breaches of the Regulations**

- 2.1 The parking areas proposed on Block 17A Parcels 170REM1, 145 and 146 extend beyond the parcel boundaries and encroach into Crighton Drive. If Crighton Drive and the parcels are under common ownership that is irrelevant. Neither the Act nor the Regulations distinguish between publicly and privately owned roads for this purpose. The privately owned Crighton Drive is a road over which rights of way and access exist and the proposed encroachment on it is impermissible.
- 2.2 The multi-storey car park proposed on Block 17A Parcels 145 and 146 does not fall within the definitions in the Regulations of either “parking area” or “ancillary building”. A “parking area” is defined as “an open space reserved for parking vehicles related to any building” (emphasis added). The multi-storey car park is a building, not an open space, and it is not related to any other building on those parcels (which are separate and distinct from Parcel 170REM1); it is the only building. An “ancillary building” is defined as “a garage or other buildings or structure on a lot or parcel subordinate to and not forming an integral part of the main or principal building but pertaining to the use of the main building”. The multi-storey car park is not subordinate to or pertaining to the use of a main building; it is the only building on those parcels (which, again, are separate and distinct from Parcel 170REM1). The Regulations do not contemplate planning permission being granted to construct a multi-storey car park as the only building on a parcel in a Hotel/Tourism Zone.
- 2.3 The hotel encroaches on the 20 ft setback in breach of Regulation 10(1).
- 2.4 The duplexes are adjacent to the canal and therefore also encroach on the applicable setback.

If and to the extent the Authority regards itself as having a discretion in respect of any aspect of the planning application as currently formulated or revised, the Authority is respectfully reminded of its obligations under section 3.04 of the Development Plan 1997 to apply the Hotel/Tourism Zone provision in a manner best calculated to (among other things) “prevent the over-development of sites and to ensure that the scale and density of development are compatible with and sensitive to the physical characteristics of the site” and to “ensure minimal traffic impacts on surrounding properties”. The site must be viewed in the context of the area in which it is located. Crystal Harbour is a quiet, residential neighbourhood predominantly comprising single family private residences, with just two existing condominium developments and one small hotel, none of which exceeds three storeys in height. The area is subject to very light traffic. The massive scale of this development would be entirely incompatible with and insensitive to the characteristics of the site within the existing neighbourhood, and it would undoubtedly have a major traffic impact on the surrounding properties.

Based on any or all of the above preliminary grounds of objection, planning permission should be refused.

Yours sincerely

**Guy Manning**

Partner, Head of Litigation, Insolvency & Restructuring

[E gmanning@campbellslegal.com](mailto:gmanning@campbellslegal.com)

[T +1 345 949 2648](tel:+13459492648) [D +1 345 914 5868](tel:+13459145868) [C +1 345 525 5868](tel:+13455255868) [F +1 345 949 8613](tel:+13459498613)

Legal Secretary: Loren Naidu [D +1 345 914 5826](tel:+13459145826) [E lnaidu@campbellslegal.com](mailto:lnaidu@campbellslegal.com)

**Campbells LLP**

Floor 4, Willow House, Cricket Square  
Grand Cayman KY1-9010, Cayman Islands  
[campbellslegal.com](http://campbellslegal.com)

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Government Administration Building  
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KY1-9000

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KY1-1107  
Cayman Islands

Tel: 1-345-949-0003  
jameskennedy@ksglaw.ky

[www.ksglaw.ky](http://www.ksglaw.ky)

14 January 2022

Sent by: Email only

Dear Sir,

**Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145,146 and 170REM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works...." ("the Application")**

We act for **IIWII, Ltd, ("our Client")** the interested party and registered owner of property located in Crystal Harbour and legally described as Block **17A, Parcel 160.**

Our Clients wish to register their objections to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

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Please do not hesitate to contact our offices at any time if you should require any further information.



Yours faithfully,

A stylized handwritten signature in black ink, consisting of the letters 'K', 'S', and 'G' intertwined.

KSG Attorneys at Law



## Hal Ebanks

---

**From:** Tim Bradley <tim@bradley.ky>  
**Sent:** Friday, January 14, 2022 9:46 AM  
**To:** Hal Ebanks  
**Cc:** James Kennedy

TO: Director of Planning  
Dear Sir,

We wish to formally object to the proposed application for Planning permission (P21-1260) and wish for our complaint to be read into the record of any meeting.

We reserve our right to make further representations on this matter through our appointed legal counsel, KSG Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to contradict the Planning and Development Regulations and Act.

### 1. Suitability & Building Height

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighborhood, we invite the members of the Central Planning Authority ("the CPA") to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main tourism corridor which is undoubtedly intertwined with lower density residential areas.

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### **3. Boat Traffic**

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We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

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*Reg 9(5) states "No use of land within a residential zone shall be dangerous, obnoxious, toxic or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others".* The ancillary parking lot with a two-storey commercial building is located on a parcel zoned LDR. We argue this use will create nuisance for nearby properties by increasing traffic movements on a residential road (3 driveways for a single occupancy use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage – presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be errors or conflict with Development & Planning Regulations that we hereby ask that the CPA give its reasoned consideration.

- a. The applicant states the proposal area is 7.54 acres, while it is in fact approximately 6.33 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however 0.84 ac of the Parcel is excluded from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.
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- f. The hotel ground floor plan only provides a shell – no details as to whether a lobby bar/restaurant will be included, extent of administrative offices.
- g. There are parking spaces that partially lie within the Crighton Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall lie within property boundaries, including sidewalks.

Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

Tim Bradley on behalf of IIWIL, Ltd.  
[name of owner]

Kind regards,  
Tim

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The Director of Planning  
Department of Planning  
Government Administration Building  
133 Elgin Avenue  
PO Box 113  
Grand Cayman,  
Cayman Islands  
KY1-9000

4th Floor  
Harbour Centre  
42 North Church St.  
P.O. Box 2255  
Grand Cayman  
KY1-1107  
Cayman Islands

Tel: 1-345-949-0003  
jameskennedy@ksglaw.ky

[www.ksglaw.ky](http://www.ksglaw.ky)

13 January 2022

Sent by: Email only

Dear Sir,

**Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145,146 and 170REM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works...." ("the Application")**

We act for **Kieran & Michelle O'Mahony, ("our Clients")** the interested parties and registered owners of property located in Crystal Harbour and legally described as **Block 17A, Parcel 154.**

Our Clients wish to register their objections to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Client's objections are based on the following principle concerns contained in the email that is **appended** to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.

Yours faithfully,

A handwritten signature in black ink, consisting of the letters 'KSG' in a stylized, cursive font.

KSG Attorneys at Law

[Redacted signature]

[Redacted signature]

P





**KIERAN AND MICHELLE O'MAHONY**  
YACHT CLUB VILLAS, NO. 4,  
THE CAYMAN ISLANDS YACHT CLUB,  
SEVEN MILE BEACH,  
P.O. BOX 30835 GRAND CAYMAN KY1-1204,  
CAYMAN ISLANDS

**Thursday, January 13, 2022**

Director of Planning

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

Dear Sir,

We, the co-owners of Block 17A, Parcel 154, wish to formally object to the proposed application for Planning permission (P21-1260) and wish for our complaint to be read into the record of any meeting.

We reserve our right to make further representations on this matter through our appointed legal counsel, KSG Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to contradict the Planning and Development Regulations and Act.

**1. Suitability & Building Height**

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighborhood, we invite the members of the Central Planning Authority ("the CPA") to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main tourism corridor which is undoubtedly intertwined with lower density residential areas.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly for a past master plan that never came to be. This piece is now isolated, mainly surrounded by an established low-density residential neighbourhood.

Regulation 8(2)(e)(i) allows maximum buildings heights of 10 storeys/130' for apartments and hotels, it does not guarantee that height as a right nor does it guarantee any mixture of land uses. This is a unique site as it is located in a residential LDR subdivision. Yes, the land to the east is also zoned Hotel/Tourism, but it is along a long, natural shoreline. The H/T zone extends the entirety of the North Sound shoreline, while the remainder of Crystal Harbour is zoned Low Density Residential ("LDR") and separated from the

KCM

Mobile: +1 345 326-3557

Home: +1 345 946-3304

Work (direct): +1 345 914-5721

10

Hotel/Tourism ("H/T") zone by Crighton Drive. This is an odd-shaped lot -it seems there might have been a larger master plan intended at one time that never came to fruition and thus this parcel remained vacant for years.

Building heights in this area are 3-storeys or less with the exception of an approved 4-storey apartment development destined for Block 17A Parcels 350 & 351. The only hotel use in the community is the Holiday Inn Grand Caymanian Resort which is only 3 storeys.

The applicant is correct, that this is one of the last large H/T pieces in the area, which means if it's approved for anything higher than 4 stories it will be the only tower and be out of character with the area. We respectfully submit that High towers are suitable in urban areas or area designed for high-density tourism such as Seven Mile Beach and George Town, **not a gated residential development**.

If CPA is minded to approve the development of the site in the proposed manner, it is clearly not in keeping with the characteristics of the neighborhood and the spirit of the legal framework underpinning development in the Cayman Islands.

2. **Traffic & Road Safety**

Expanding the tourism within the residential subdivision will result in increased commercial traffic. The design offers nothing to mitigate the impacts, but instead we argue, is designed to worsen conflict.

Typically, a mixed-use and hotel development will have 1-2 access points from the road and offer an internal circulation system to direct guests. This proposal has 11 access drives. It is not designed to minimize traffic movements on a residential road. Crystal Harbour residents are able to walk, run and bike safely throughout the neighborhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.

If CPA chooses to support this application, we would ask that conditions be imposed to increase safety by improvements made to Crighton Drive such as striping of traffic lanes, bikes lanes and sidewalks. It appears the existing right-of-width can allow for such road improvements.

3. **Boat Traffic**

Dockside parking is being offered for the signature restaurant, while not much appears to be offered for the hotel. Typically, a hotel with waterfront will offer watersports or charters, which we assume will occur for this proposal. This will introduce commercial boating activity through a residential canal system. There will be a parade of boats coming through, particularly on weekends impacting the residents' privacy and enjoyment of their property. An increase of noise and 'touring the canals' can only be expected creating a further nuisance to the existing owners and therefore diminishing or depriving them of their right to peaceful and quiet enjoyment of their property.

We would also like to have a full understanding of any Coastal Works Permits that may have been, or will be sought in relation to this development and

Cell: +1 (345) 326 3557

KOM

01

reserve all rights to make representations on this aspect.

#### 4. Parking

It appears all of the restaurant and hotel parking are provided across Crighton Drive on residential lots Parcel 145 & 146. Are restaurant patrons expected to walk that distance to the restaurant? We submit this proposal will create a safety hazard for pedestrians on the property.

The restaurant's taxi-turnaround area shares access with the duplexes and house lots. If the restaurant is successful, this will cause conflict with access for the residences due to the inherent risk of mixing commercial traffic in a low density residential area. The parallel parking in front of the restaurant - is this for the residences or the restaurant - is there a potential for conflict?

With the lack of appropriately places parking, we fear the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the subdivision, generating excess noise from vehicles, potential odors from car fumes, and head lights shining onto adjacent properties in the evenings. If the house lots are blocked from parking, this will likely force patrons to park on Crighton Drive. We draw attention to Reg 8.(1)(c) *in a Neighbourhood Commercial zone or Hotel/Tourism zone, twenty-five per cent of the parking space may be located not more than five hundred feet from the respective building.*

#### 5. Noise

The hotel includes a rooftop bar and kitchen, which will be the first of its kind within a residential neighbourhood. The proposed bar faces south onto the subdivision. The winds primarily come from the east and therefore the western properties will be negatively impacted by any sounds and odors coming from the roof top bar, restaurant, and any large group boating activities.

Any evening events will most likely have an impact on the neighbourhood with noise and lights which again diminish the owners ability to peaceful enjoyment and privacy of their property.

#### 6. Hotel Setback Variance

A small portion of the hotel encroaches the 20' road setback. The applicant claims the following exceptional circumstance to warrant the variance:  
*8(13)(b)(ii) unusual terrain characteristics limit the site's development potential.*

We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

*KCM*



7. **Commercial Use in a Residential Zone**

Reg 9(5) states "No use of land within a residential zone shall be dangerous, obnoxious, toxic or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others". The ancillary parking lot with a two-storey commercial building is located on a parcel zoned LDR. We argue this use will create nuisance for nearby properties by increasing traffic movements on a residential road (3 driveways for a single occupancy use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage - presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be errors or conflict with Development & Planning Regulations that we hereby ask that the CPA give its reasoned consideration.

- a The applicant states the proposal area is 7.54 acres, while it is in fact approximately 6.33 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however 0.84 ac of the Parcel is excluded from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.
- b The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide for an email address to inquire about the application.
- c The newspaper advert and mailed notices make no mention of a canal extension or a residential subdivision.
- d The house lots do not comply with minimum lot size requirements per Regulation 10(1)(d). The applicant has not stated they were requesting lot size variances.
- e The architectural drawings do not include any details of the pedestrian bridge. What will the boat clearance be?
- f The hotel ground floor plan only provides a shell - no details as to whether a lobby bar/restaurant will be included, extent of administrative offices.
- g There are parking spaces that partially lie within the Crighton Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall lie within property boundaries, including sidewalks.

Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to

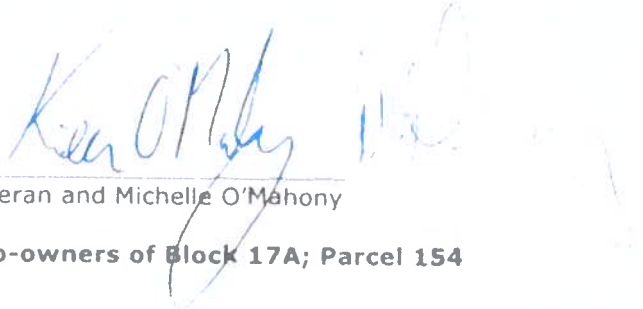
Cell: +1 (345) 326 3557

KOM

January 13, 2022

further discuss.

Sincerely,



Kieran and Michelle O'Mahony

**Co-owners of Block 17A; Parcel 154**

Cell: +1 (345) 326 3557





4th Floor  
Harbour Centre  
42 North Church St.  
P.O. Box 2255  
Grand Cayman  
KY1-1107  
Cayman Islands

Tel: 1-345-949-0003  
jameskennedy@ksglaw.ky

www.ksglaw.ky

The Director of Planning  
Department of Planning  
Government Administration Building  
133 Elgin Avenue  
PO Box 113  
Grand Cayman,  
Cayman Islands  
KY1-9000

13 January 2022

Sent by: Email only

Dear Sir,

**Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145,146 and 170REM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works...." ("the Application")**

We act for **Nicola Davies**, ("our Client") the interested party and registered owner of property located at 52 Baccarat Quay and legally described as Block **17A, Parcel 159.**

Our Client wishes to register their objections to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Client's objections are based on the following principle concerns contained in the email that is **appended** to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.

## Hal Ebanks

---

**From:** Nicola Davies <davies.na57@gmail.com>  
**Sent:** Thursday, January 13, 2022 9:30 AM  
**To:** Hal Ebanks  
**Subject:** Ref CH Development

TO: Director of Planning

Dear Sir,

We wish to formally object to the proposed application for Planning permission (P21-1260) and wish for our complaint to be read into the record of any meeting.

We reserve our right to make further representations on this matter through our appointed legal counsel, KSG Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to contradict the Planning and Development Regulations and Act.

### 1. Suitability & Building Height

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighborhood, we invite the members of the Central Planning Authority ("the CPA") to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main tourism corridor which is undoubtedly intertwined with lower density residential areas.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly for a past master plan that never came to be. This piece is now isolated, mainly surrounded by an established low-density residential neighbourhood.

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Building heights in this area are 3-storeys or less with the exception of an approved 4-storey apartment development destined for Block 17A Parcels 350 & 351. The only hotel use in the community is the Holiday Inn Grand Caymanian Resort which is only 3 storeys.

The applicant is correct, that this is one of the last large H/T pieces in the area, which means if it's approved for anything higher than 4 stories it will be the only tower and be out of character with the area. We respectfully submit that High towers are suitable in urban areas or area designed for high-density tourism such as Seven Mile Beach and George Town, **not a gated residential development.**

13

Yours faithfully,

A handwritten signature in black ink, consisting of the letters 'KSG' in a stylized, cursive font.

KSG Attorneys at Law

If CPA is minded to approve the development of the site in the proposed manner, it is clearly not in keeping with the characteristics of the neighborhood and the spirit of the legal framework underpinning development in the Cayman Islands.

## **2. Traffic & Road Safety**

Expanding the tourism within the residential subdivision will result in increased commercial traffic. The design offers nothing to mitigate the impacts, but instead we argue, is designed to worsen conflict.

Typically, a mixed-use and hotel development will have 1-2 access points from the road and offer an internal circulation system to direct guests. This proposal has 11 access drives. It is not designed to minimize traffic movements on a residential road. Crystal Harbour residents are able to walk, run and bike safely throughout the neighborhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.

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14



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We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

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We include a few other items that appear to be errors or conflict with Development & Planning Regulations that we hereby ask that the CPA give its reasoned consideration.

- a. The applicant states the proposal area is 7.54 acres, while it is in fact approximately 6.33 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however 0.84 ac of the Parcel is excluded from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.
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Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

Nicola Davies

52 Baccarat Quay

**===This email originated from outside the organization. Use caution when opening attachments, clicking links or responding to requests for information.===**

15





4th Floor  
Harbour Centre  
42 North Church St.  
P.O. Box 2255  
Grand Cayman  
KY1-1107  
Cayman Islands

Tel: 1-345-949-0003  
jameskennedy@ksglaw.ky

[www.ksglaw.ky](http://www.ksglaw.ky)

The Director of Planning  
Department of Planning  
Government Administration Building  
133 Elgin Avenue  
PO Box 113  
Grand Cayman,  
Cayman Islands  
KY1-9000

Sent by: Email only

13 January 2022

Dear Sir,

**Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145,146 and 170REM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works...." ("the Application")**

We act for **Cindy Annette Downing & Matthew Ian Downing**, ("our Clients") the interested parties and registered owners of property located at 25 Baccarat Quay and legally described as **Block 17A, Parcel 167.**

Our Clients wish to register their objections to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Client's objections are based on the following principle concerns contained in the email that is **appended** to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.

## Hal Ebanks

---

**From:** Ian Downing <idowning75@hotmail.com>  
**Sent:** Thursday, January 13, 2022 12:59 PM  
**To:** Hal Ebanks  
**Cc:** 2b095af62+matter1408456832@maildrop.clio.com  
**Subject:** Re: Objection- Crystal Harbour Planning Application

Hi Hal

Please see text below as authorization per your last email.

Thanks - sorry missed it last round. Been working off my mobile.

Ian and Cindy

Thanks for the confirmation on the other email Ian...

Can I kindly ask that you copy the text in the email (below the line) and send back to me, this will serve as your authorization for KSG to act for you and will be the objection which is appended to the letter you just reviewed.

Many thanks

Hal Ebanks



TO: Director of Planning

Dear Sir,

We wish to formally object to the proposed application for Planning permission (P21-1260) and wish for our complaint to be read into the record of any meeting.

We reserve our right to make further representations on this matter through our appointed legal counsel, KSG Attorneys at Law.

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Yours faithfully,

A handwritten signature in black ink, consisting of the letters 'KSG' in a stylized, cursive font.

KSG Attorneys at Law

Authority ("the CPA") to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main tourism corridor which is undoubtedly intertwined with lower density residential areas.

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17



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Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

[\_\_\_\_\_]

[name of owner]

Get [Outlook for Android](#)

---

**From:** Hal Ebanks <HalEbanks@ksglaw.ky>  
**Sent:** Thursday, January 13, 2022, 12:26 PM  
**To:** Ian Downing  
**Cc:** 2b095af62+matter1408456832@maildrop.clio.com  
**Subject:** FW: Objection- Crystal Harbour Planning Application

Thanks for the confirmation on the other email Ian...

Can I kindly ask that you copy the text in the email (below the line) and send back to me, this will serve as your authorization for KSG to act for you and will be the objection which is appended to the letter you just reviewed.

Many thanks

Hal Ebanks

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4th Floor  
Harbour Centre  
42 North Church St.  
P.O. Box 2255  
Grand Cayman  
KY1-1107  
Cayman Islands

Tel: 1-345-949-0003  
jameskennedy@ksglaw.ky

[www.ksglaw.ky](http://www.ksglaw.ky)

The Director of Planning  
Department of Planning  
Government Administration Building  
133 Elgin Avenue  
PO Box 113  
Grand Cayman,  
Cayman Islands  
KY1-9000

Sent by: Email only

13 January 2022

Dear Sir,

**Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145,146 and 170REM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works...." ("the Application")**

We act for **IMAN SHAFIEI**, ("our Client") the interested party and registered owner of property located at 53 Baccarat Quay and legally described as Block **17A, Parcel 164.**

Our Client wishes to register their objections to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Client's objections are based on the following principle concerns contained in the email that is **appended** to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.

Yours faithfully,

A handwritten signature in black ink, consisting of the letters 'KSG' in a stylized, cursive font.

KSG Attorneys at Law



## Hal Ebanks

---

**From:** Mohammad Sh <mh@odinsezc.com>  
**Sent:** Thursday, January 13, 2022 2:47 PM  
**To:** Hal Ebanks  
**Cc:** iman@odinsezc.com  
**Subject:** RE: Notice of application for planning permission- 11 Jan 2022  
**Attachments:** 2022 01 11 Objection Letter Shafiei[1].docx

YES, Information in the letter is correct, only change I made in the letter insert [53 Baccarat Quay] as our property locaton.

Regards,

Mahan Shafiei

TO: Director of Planning

Dear Sir,

We wish to formally object to the proposed application for Planning permission (P21-1260) and wish for our complaint to be read into the record of any meeting.

We reserve our right to make further representations on this matter through our appointed legal counsel, KSG Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to contradict the Planning and Development Regulations and Act.

### **1. Suitability & Building Height**

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighborhood, we invite the members of the Central Planning Authority ("the CPA") to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main tourism corridor which is undoubtedly intertwined with lower density residential areas.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly for a past master plan that never came to be. This piece is now isolated, mainly surrounded by an established low-density residential neighbourhood.

Regulation 8(2)(e)(i) allows maximum buildings heights of 10 storeys/130' for apartments and hotels, it does not guarantee that height as a right nor does it guarantee any mixture of land uses. This is a unique site as it is located in a residential LDR subdivision. Yes, the land to the east is also zoned Hotel/Tourism, but it is along a long, natural shoreline. The H/T zone extends the entirety of the North Sound shoreline, while the remainder of Crystal Harbour is zoned Low Density Residential ("LDR") and separated from the Hotel/Tourism ("H/T") zone by Crighton Drive. This is an odd-shaped lot -it seems there might have been a larger master plan intended at one time that never came to fruition and thus this parcel remained vacant for years.

Building heights in this area are 3-storeys or less with the exception of an approved 4-storey apartment development destined for Block 17A Parcels 350 & 351. The only hotel use in the community is the Holiday Inn Grand Caymanian Resort which is only 3 storeys.



The applicant is correct, that this is one of the last large H/T pieces in the area, which means if it's approved for anything higher than 4 stories it will be the only tower and be out of character with the area. We respectfully submit that High towers are suitable in urban areas or area designed for high-density tourism such as Seven Mile Beach and George Town, **not a gated residential development.**

If CPA is minded to approve the development of the site in the proposed manner, it is clearly not in keeping with the characteristics of the neighborhood and the spirit of the legal framework underpinning development in the Cayman Islands.

## **2. Traffic & Road Safety**

Expanding the tourism within the residential subdivision will result in increased commercial traffic. The design offers nothing to mitigate the impacts, but instead we argue, is designed to worsen conflict.

Typically, a mixed-use and hotel development will have 1-2 access points from the road and offer an internal circulation system to direct guests. This proposal has 11 access drives. It is not designed to minimize traffic movements on a residential road. Crystal Harbour residents are able to walk, run and bike safely throughout the neighborhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.

If CPA chooses to support this application, we would ask that conditions be imposed to increase safety by improvements made to Crighton Drive such as striping of traffic lanes, bikes lanes and sidewalks. It appears the existing right-of-width can allow for such road improvements.

## **3. Boat Traffic**

Dockside parking is being offered for the signature restaurant, while not much appears to be offered for the hotel. Typically, a hotel with waterfront will offer watersports or charters, which we assume will occur for this proposal. This will introduce commercial boating activity through a residential canal system. There will be a parade of boats coming through, particularly on weekends impacting the residents' privacy and enjoyment of their property. An increase of noise and 'touring the canals' can only be expected creating a further nuisance to the existing owners and therefore diminishing or depriving them of their right to peaceful and quiet enjoyment of their property.

We would also like to have a full understanding of any Coastal Works Permits that may have been, or will be sought in relation to this development and reserve all rights to make representations on this aspect.

## **4. Parking**

It appears all of the restaurant and hotel parking are provided across Crighton Drive on residential lots Parcel 145 & 146. Are restaurant patrons expected to walk that distance to the restaurant? We submit this proposal will create a safety hazard for pedestrians on the property.

The restaurant's taxi-turnaround area shares access with the duplexes and house lots. If the restaurant is successful, this will cause conflict with access for the residences due to the inherent risk of mixing commercial traffic in a low density residential area. The parallel parking in front of the restaurant – is this for the residences or the restaurant – is there a potential for conflict?

With the lack of appropriately places parking, we fear the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the subdivision, generating excess noise from vehicles, potential odors from car fumes, and head lights shining onto adjacent properties in the evenings. If the house lots are blocked from parking, this will likely force patrons to park on Crighton Drive. We draw attention to Reg 8.(1)(c) *in a Neighbourhood Commercial zone or Hotel/Tourism zone, twenty-five per cent of the parking space may be located not more than five hundred feet from the respective building.*

## **5. Noise**

The hotel includes a rooftop bar and kitchen, which will be the first of its kind within a residential neighbourhood. The proposed bar faces south onto the subdivision. The winds primarily come from



the east and therefore the western properties will be negatively impacted by any sounds and odors coming from the roof top bar, restaurant, and any large group boating activities.

Any evening events will most likely have an impact on the neighbourhood with noise and lights which again diminish the owners ability to peaceful enjoyment and privacy of their property.

## **6. Hotel Setback Variance**

A small portion of the hotel encroaches the 20' road setback. The applicant claims the following exceptional circumstance to warrant the variance:

*8(13)(b)(ii) unusual terrain characteristics limit the site's development potential.*

We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

## **7. Commercial Use in a Residential Zone**

Reg 9(5) states "No use of land within a residential zone shall be dangerous, obnoxious, toxic or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others". The ancillary parking lot with a two-storey commercial building is located on a parcel zoned LDR. We argue this use will create nuisance for nearby properties by increasing traffic movements on a residential road (3 driveways for a single occupancy use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage – presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be errors or conflict with Development & Planning Regulations that we hereby ask that the CPA give its reasoned consideration.

- a. The applicant states the proposal area is 7.54 acres, while it is in fact approximately 6.33 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however 0.84 ac of the Parcel is excluded from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.
- b. The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide for an email address to inquire about the application.
- c. The newspaper advert and mailed notices make no mention of a canal extension or a residential subdivision.
- d. The house lots do not comply with minimum lot size requirements per Regulation 10(1)(d). The applicant has not stated they were requesting lot size variances.
- e. The architectural drawings do not include any details of the pedestrian bridge. What will the boat clearance be?
- f. The hotel ground floor plan only provides a shell – no details as to whether a lobby bar/restaurant will be included, extent of administrative offices.
- g. There are parking spaces that partially lie within the Crighton Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall lie within property boundaries, including sidewalks.

Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

IMAN SHAFIEI

53 Baccarat Quay

Block 17A Parcel 164

**===This email originated from outside the organization. Use caution when opening attachments, clicking links or responding to requests for information.===**





4th Floor  
Harbour Centre  
42 North Church St.  
P.O. Box 2255  
Grand Cayman  
KY1-1107  
Cayman Islands

Tel: 1-345-949-0003  
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The Director of Planning  
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Government Administration Building  
133 Elgin Avenue  
PO Box 113  
Grand Cayman,  
Cayman Islands  
KY1-9000

Sent by: Email only

13 January 2022

Dear Sir,

**Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145,146 and 170REM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works...." ("the Application")**

We act for **Kenneth & Tanya Zemniak**, ("our Clients") the interested party and registered owners of property located in Crystal Harbour and legally described as **Block 17A, Parcel 86.**

Our Clients wish to register their objections to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Client's objections are based on the following principle concerns contained in the email that is **appended** to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.



Yours faithfully,

A handwritten signature in black ink, consisting of the letters 'KSG' in a stylized, cursive-like font.

KSG Attorneys at Law

## Hal Ebanks

---

**From:** Tanya Ziemniak <tanyaz1002@gmail.com>  
**Sent:** Thursday, January 13, 2022 3:11 PM  
**To:** Hal Ebanks  
**Cc:** 2b095af62+matter1408456832@maildrop.clio.com  
**Subject:** Re: Objection- Crystal Harbour Planning Application  
**Attachments:** 2022 01 11 Objection Letter Zemniak.docx

Confirmed. Please submit on our behalf.

Tanya  
Sent from my iPhone

On Jan 13, 2022, at 3:00 PM, Hal Ebanks <HalEbanks@ksglaw.ky> wrote:

Hi Tanya,

Thanks for this.

Please see **attached** draft cover letter for your review.

Could you kindly confirm that you authorize KSG to submit the objection below on your behalf in this matter by email reply confirming the same.

Please reach out at any time if you have any questions.

Kind regards,

---

TO: Director of Planning  
Dear Sir,

We wish to formally object to the proposed application for Planning permission (P21-1260) and wish for our complaint to be read into the record of any meeting.

We reserve our right to make further representations on this matter through our appointed legal counsel, KSG Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to contradict the Planning and Development Regulations and Act.

### 1. **Suitability & Building Height**

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighborhood, we invite the members of the Central Planning Authority ("the CPA") to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main tourism

corridor which is undoubtedly intertwined with lower density residential areas.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly for a past master plan that never came to be. This piece is now isolated, mainly surrounded by an established low-density residential neighbourhood.

Regulation 8(2)(e)(i) allows maximum buildings heights of 10 storeys/130' for apartments and hotels, it does not guarantee that height as a right nor does it guarantee any mixture of land uses. This is a unique site as it is located in a residential LDR subdivision. Yes, the land to the east is also zoned Hotel/Tourism, but it is along a long, natural shoreline. The H/T zone extends the entirety of the North Sound shoreline, while the remainder of Crystal Harbour is zoned Low Density Residential ("LDR") and separated from the Hotel/Tourism ("H/T") zone by Crighton Drive. This is an odd-shaped lot -it seems there might have been a larger master plan intended at one time that never came to fruition and thus this parcel remained vacant for years. Building heights in this area are 3-storeys or less with the exception of an approved 4-storey apartment development destined for Block 17A Parcels 350 & 351. The only hotel use in the community is the Holiday Inn Grand Caymanian Resort which is only 3 storeys. The applicant is correct, that this is one of the last large H/T pieces in the area, which means if it's approved for anything higher than 4 stories it will be the only tower and be out of character with the area. We respectfully submit that High towers are suitable in urban areas or area designed for high-density tourism such as Seven Mile Beach and George Town, **not a gated residential development**. If CPA is minded to approve the development of the site in the proposed manner, it is clearly not in keeping with the characteristics of the neighborhood and the spirit of the legal framework underpinning development in the Cayman Islands.

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We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options



that could be employed to allow all structures to comply with the setbacks.

## 7. Commercial Use in a Residential Zone

*Reg 9(5) states "No use of land within a residential zone shall be dangerous, obnoxious, toxic or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others".* The ancillary parking lot with a two-storey commercial building is located on a parcel zoned LDR. We argue this use will create nuisance for nearby properties by increasing traffic movements on a residential road (3 driveways for a single occupancy use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage – presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored? We include a few other items that appear to be errors or conflict with Development & Planning Regulations that we hereby ask that the CPA give its reasoned consideration.

The applicant states the proposal area is 7.54 acres, while it is in fact approximately 6.33 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however 0.84 ac of the Parcel is excluded from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.

The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide for an email address to inquire about the application.

The newspaper advert and mailed notices make no mention of a canal extension or a residential subdivision.

The house lots do not comply with minimum lot size requirements per Regulation 10(1)(d). The applicant has not stated they were requesting lot size variances.

The architectural drawings do not include any details of the pedestrian bridge. What will the boat clearance be?

The hotel ground floor plan only provides a shell – no details as to whether a lobby bar/restaurant will be included, extent of administrative offices.

There are parking spaces that partially lie within the Crighton Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall lie within property boundaries, including sidewalks.

Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

Kenneth & Tanya Zemniak

Hal Ebanks

**===This email originated from outside the organization. Use caution when opening attachments, clicking links or responding to requests for information.===**

24



4th Floor  
Harbour Centre  
42 North Church St.  
P.O. Box 2255  
Grand Cayman  
KY1-1107  
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The Director of Planning  
Department of Planning  
Government Administration Building  
133 Elgin Avenue  
PO Box 113  
Grand Cayman,  
Cayman Islands  
KY1-9000

13 January 2022

Sent by: Email only

Dear Sir,

**Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145,146 and 170REM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works...." ("the Application")**

We act for **Gavin Baxendale**, ("our Client") the interested party and registered owner of property located at Baccarat Quay and legally described as **Block 17A, Parcel 161.**

Our Client wishes to register their objections to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Client's objections are based on the following principle concerns contained in the email that is **appended** to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.

Yours faithfully,

A handwritten signature in black ink, consisting of the letters 'KSG' in a stylized, cursive-like font.

KSG Attorneys at Law



## Hal Ebanks

---

**From:** Gavin Baxendale <gavin\_baxendale@hotmail.com>  
**Sent:** Thursday, January 13, 2022 3:18 PM  
**To:** Hal Ebanks  
**Cc:** Katherine Tatham; 2b095af62+matter1408456832@maildrop.clio.com  
**Subject:** Re: Objection Letter  
**Attachments:** image363691.png; image689344.png; image199236.png; image777677.png; 2022 01 11 Objection Letter Baxendale.docx

I can confirm, do you need me to sign anything?

On Jan 13, 2022, at 15:02, Hal Ebanks <halebanks@ksglaw.ky> wrote:

Hi Gavin,

Can you kindly review the attached draft cover letter, and confirm that you authorize KSG to submit the objection below on your behalf.

Kind regards

---

TO: Director of Planning

Dear Sir,

We wish to formally object to the proposed application for Planning permission (P21-1260) and wish for our complaint to be read into the record of any meeting.

We reserve our right to make further representations on this matter through our appointed legal counsel, KSG Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to contradict the Planning and Development Regulations and Act.

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26

the canals' can only be expected creating a further nuisance to the existing owners and therefore diminishing or depriving them of their right to peaceful and quiet enjoyment of their property.

We would also like to have a full understanding of any Coastal Works Permits that may have been, or will be sought in relation to this development and reserve all rights to make representations on this aspect.

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Any evening events will most likely have an impact on the neighbourhood with noise and lights which again diminish the owners ability to peaceful enjoyment and privacy of their property.

#### **6. Hotel Setback Variance**

A small portion of the hotel encroaches the 20' road setback. The applicant claims the following exceptional circumstance to warrant the variance:

*8(13)(b)(ii) unusual terrain characteristics limit the site's development potential.*

We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

#### **7. Commercial Use in a Residential Zone**

*Reg 9(5) states "No use of land within a residential zone shall be dangerous, obnoxious, toxic or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others".* The ancillary parking lot with a two-storey commercial building is located on a parcel zoned LDR. We argue this use will create nuisance for nearby properties by increasing traffic movements on a residential road (3 driveways for a single occupancy use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage – presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

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- a. The applicant states the proposal area is 7.54 acres, while it is in fact approximately 6.33 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however 0.84 ac of the Parcel is excluded from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.
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- e. The architectural drawings do not include any details of the pedestrian bridge. What will the boat clearance be?
- f. The hotel ground floor plan only provides a shell – no details as to whether a lobby bar/restaurant will be included, extent of administrative offices.
- g. There are parking spaces that partially lie within the Crighton Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall lie within property boundaries, including sidewalks.

Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

Gavin Baxendale

Hal Ebanks

HalEbanks@ksglaw.ky

www.ksglaw.ky

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Government Administration Building  
133 Elgin Avenue  
PO Box 113  
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Cayman Islands  
KY1-9000

4th Floor  
Harbour Centre  
42 North Church St.  
P.O. Box 2255  
Grand Cayman  
KY1-1107  
Cayman Islands

Tel: 1-345-949-0003  
jameskennedy@ksglaw.ky

[www.ksglaw.ky](http://www.ksglaw.ky)

13 January 2022

Sent by: Email only

Dear Sir,

**Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145,146 and 170REM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works...." ("the Application")**

We act for **Todon Charles Leshikar**, ("our Client") the interested party and registered owner of property located in Crystal Harbour and legally described as **Block 17A, Parcel 306**.

Our Client wishes to register their objections to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Client's objections are based on the following principle concerns contained in the email that is **appended** to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.

Yours faithfully,

A handwritten signature in black ink, consisting of the letters 'KSG' in a stylized, cursive-like font.

KSG Attorneys at Law

85

## Hal Ebanks

---

**From:** TC Leshikar (KY) <tc.leshikar@pwc.com>  
**Sent:** Thursday, January 13, 2022 8:46 AM  
**To:** Hal Ebanks; James Kennedy  
**Subject:** Objection- Crystal Harbour Planning Application

TO: Director of Planning

Dear Sir,

We wish to formally object to the proposed application for Planning permission (P21-1260) and wish for our complaint to be read into the record of any meeting.

We reserve our right to make further representations on this matter through our appointed legal counsel, KSG Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to contradict the Planning and Development Regulations and Act.

### 1. Suitability & Building Height

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighborhood, we invite the members of the Central Planning Authority ("the CPA") to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main tourism corridor which is undoubtedly intertwined with lower density residential areas.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly for a past master plan that never came to be. This piece is now isolated, mainly surrounded by an established low-density residential neighbourhood.

Regulation 8(2)(e)(i) allows maximum buildings heights of 10 storeys/130' for apartments and hotels, it does not guarantee that height as a right nor does it guarantee any mixture of land uses. This is a unique site as it is located in a residential LDR subdivision. Yes, the land to the east is also zoned Hotel/Tourism, but it is along a long, natural shoreline. The H/T zone extends the entirety of the North Sound shoreline, while the remainder of Crystal Harbour is zoned Low Density Residential ("LDR") and separated from the Hotel/Tourism ("H/T") zone by Crighton Drive. This is an odd-shaped lot -it seems there might have been a larger master plan intended at one time that never came to fruition and thus this parcel remained vacant for years.

Building heights in this area are 3-storeys or less with the exception of an approved 4-storey apartment development destined for Block 17A Parcels 350 & 351. The only hotel use in the community is the Holiday Inn Grand Caymanian Resort which is only 3 storeys.

The applicant is correct, that this is one of the last large H/T pieces in the area, which means if it's approved for anything higher than 4 stories it will be the only tower and be out of character with the area. We respectfully submit that High towers are suitable in urban areas or area designed for high-density tourism such as Seven Mile Beach and George Town, **not a gated residential development.**

29



If CPA is minded to approve the development of the site in the proposed manner, it is clearly not in keeping with the characteristics of the neighborhood and the spirit of the legal framework underpinning development in the Cayman Islands.

## **2. Traffic & Road Safety**

Expanding the tourism within the residential subdivision will result in increased commercial traffic. The design offers nothing to mitigate the impacts, but instead we argue, is designed to worsen conflict.

Typically, a mixed-use and hotel development will have 1-2 access points from the road and offer an internal circulation system to direct guests. This proposal has 11 access drives. It is not designed to minimize traffic movements on a residential road. Crystal Harbour residents are able to walk, run and bike safely throughout the neighborhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.

If CPA chooses to support this application, we would ask that conditions be imposed to increase safety by improvements made to Crighton Drive such as striping of traffic lanes, bikes lanes and sidewalks. It appears the existing right-of-width can allow for such road improvements.

## **3. Boat Traffic**

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We would also like to have a full understanding of any Coastal Works Permits that may have been, or will be sought in relation to this development and reserve all rights to make representations on this aspect.

## **4. Parking**

It appears all of the restaurant and hotel parking are provided across Crighton Drive on residential lots Parcel 145 & 146. Are restaurant patrons expected to walk that distance to the restaurant? We submit this proposal will create a safety hazard for pedestrians on the property.

The restaurant's taxi-turnaround area shares access with the duplexes and house lots. If the restaurant is successful, this will cause conflict with access for the residences due to the inherent risk of mixing commercial traffic in a low density residential area. The parallel parking in front of the restaurant – is this for the residences or the restaurant – is there a potential for conflict?

With the lack of appropriately places parking, we fear the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the subdivision, generating excess noise from vehicles, potential odors from car fumes, and head lights shining onto adjacent properties in the evenings. If the house lots are blocked from parking, this will likely force patrons to park on Crighton Drive. We draw attention to Reg 8.(1)(c) *in a Neighbourhood Commercial zone or Hotel/Tourism zone, twenty-five per cent of the parking space may be located not more than five hundred feet from the respective building.*

## **5. Noise**

The hotel includes a rooftop bar and kitchen, which will be the first of its kind within a residential neighbourhood. The proposed bar faces south onto the subdivision. The winds primarily come from the east and therefore the western properties will be negatively impacted by any sounds and odors coming from the rooftop bar, restaurant, and any large group boating activities.

Any evening events will most likely have an impact on the neighbourhood with noise and lights which again diminish the owners ability to peaceful enjoyment and privacy of their property.

## **6. Hotel Setback Variance**

A small portion of the hotel encroaches the 20' road setback. The applicant claims the following exceptional circumstance to warrant the variance:

*8(13)(b)(ii) unusual terrain characteristics limit the site's development potential.*

We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

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*Reg 9(5) states "No use of land within a residential zone shall be dangerous, obnoxious, toxic or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others".* The ancillary parking lot with a two-storey commercial building is located on a parcel zoned LDR. We argue this use will create nuisance for nearby properties by increasing traffic movements on a residential road (3 driveways for a single occupancy use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage – presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be errors or conflict with Development & Planning Regulations that we hereby ask that the CPA give its reasoned consideration.

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- g. There are parking spaces that partially lie within the Crighton Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall lie within property boundaries, including sidewalks.

30



Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

TOdon Charles Leshikar

**T.C. Leshikar**

PwC | Partner, Tax

Office: 345-914-8616

Email: [tc.leshikar@pwc.com](mailto:tc.leshikar@pwc.com)

PricewaterhouseCoopers

18 Forum Lane, P.O. Box 258, Grand Cayman, Cayman Islands KY1-1104

<http://www.pwc.com/ky>

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4th Floor  
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42 North Church St.  
P.O. Box 2255  
Grand Cayman  
KY1-1107  
Cayman Islands

Tel: 1-345-949-0003  
jameskennedy@ksglaw.ky

[www.ksglaw.ky](http://www.ksglaw.ky)

The Director of Planning  
Department of Planning  
Government Administration Building  
133 Elgin Avenue  
PO Box 113  
Grand Cayman,  
Cayman Islands  
KY1-9000

Sent by: Email only

13 January 2022

Dear Sir,

**Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145,146 and 170REM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works...." ("the Application")**

We act for **Shari Seymour**, ("our Client") the interested party and registered owner of property located at Baccarat Quay and legally described as **Block 17A, Parcel 166.**

Our Client wishes to register their objections to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Client's objections are based on the following principle concerns contained in the email that is **appended** to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.



Yours faithfully,

A handwritten signature in black ink, consisting of the letters 'KSG' in a stylized, cursive font.

KSG Attorneys at Law

## Hal Ebanks

---

**From:** Shari Seymour <shari276@me.com>  
**Sent:** Thursday, January 13, 2022 10:44 AM  
**To:** Hal Ebanks; James Kennedy  
**Subject:** Objection - Crystal Harbour Planning Application

TO: Director of Planning

Dear Sir,

We wish to formally object to the proposed application for Planning permission (P21-1260) and wish for our complaint to be read into the record of any meeting.

We reserve our right to make further representations on this matter through our appointed legal counsel, KSG Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to contradict the Planning and Development Regulations and Act.

### 1. Suitability & Building Height

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighborhood, we invite the members of the Central Planning Authority ("the CPA") to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main tourism corridor which is undoubtedly intertwined with lower density residential areas.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly for a past master plan that never came to be. This piece is now isolated, mainly surrounded by an established low-density residential neighbourhood.

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32



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33

Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

Shari Seymour

Baccarat Quay  
Block 17A Parcel 166

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42 North Church St.  
P.O. Box 2255  
Grand Cayman  
KY1-1107  
Cayman Islands

Sent by: Email only

13 January 2022

Dear Sir,

**Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145,146 and 170REM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works...." ("the Application")**

We act for Katherine Tatham ("our Client") the interested party and registered owner of property located at 9 Baccarat Quay and legally described as Block 17A, Parcel 272.

Our Client wishes to register their objection to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Client's objections are based on the following principle concerns contained in the email that is **appended** to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.



Yours faithfully,

A handwritten signature in black ink, consisting of the letters 'KSG' in a stylized, cursive font.

KSG Attorneys at Law

PS

## Hal Ebanks

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**From:** Katherine Tatham <kmtatham@gmail.com>  
**Sent:** Wednesday, January 12, 2022 8:21 PM  
**To:** Hal Ebanks; James Kennedy  
**Subject:** Objection- Crystal Harbour Planning Application  
**Attachments:** 2022 01 11 Objection Letter Tatham.docx

TO: Director of Planning

Dear Sir,

We wish to formally object to the proposed application for Planning permission (P21-1260) and wish for our complaint to be read into the record of any meeting.

We reserve our right to make further representations on this matter through our appointed legal counsel, KSG Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to contradict the Planning and Development Regulations and Act.

### 1. Suitability & Building Height

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighborhood, we invite the members of the Central Planning Authority ("the CPA") to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main tourism corridor which is undoubtedly intertwined with lower density residential areas.

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*8(13)(b)(ii) unusual terrain characteristics limit the site's development potential.*

We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

## **7. Commercial Use in a Residential Zone**

*Reg 9(5) states "No use of land within a residential zone shall be dangerous, obnoxious, toxic or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others".* The ancillary parking lot with a two-storey commercial building is located on a parcel zoned LDR. We argue this use will create nuisance for nearby properties by increasing traffic movements on a residential road (3 driveways for a single occupancy use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage – presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be errors or conflict with Development & Planning Regulations that we hereby ask that the CPA give its reasoned consideration.

- a. The applicant states the proposal area is 7.54 acres, while it is in fact approximately 6.33 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however 0.84 ac of the Parcel is excluded from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.
- b. The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide for an email address to inquire about the application.
- c. The newspaper advert and mailed notices make no mention of a canal extension or a residential subdivision.
- d. The house lots do not comply with minimum lot size requirements per Regulation 10(1)(d). The applicant has not stated they were requesting lot size variances.
- e. The architectural drawings do not include any details of the pedestrian bridge. What will the boat clearance be?
- f. The hotel ground floor plan only provides a shell – no details as to whether a lobby bar/restaurant will be included, extent of administrative offices.
- g. There are parking spaces that partially lie within the Crighton Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall lie within property boundaries, including sidewalks.

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Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

Sincerely,

KATHERINE TATHUM

9 BACCARAT QUAY - 17A 272

PO BOX 76EE, KY1-1801

345-926-0242

**===This email originated from outside the organization. Use caution when opening attachments, clicking links or responding to requests for information.===**

## Popovich, Nicholas

---

**From:** Department of Planning  
**Sent:** Thursday, January 13, 2022 11:31 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145,146 and 170REM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per

---

**From:** Tanya Ziemniak [mailto:tanyaz1002@gmail.com]  
**Sent:** Thursday, January 13, 2022 11:04 AM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145,146 and 170REM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per t...

TO: Director of Planning

Dear Sir,

We wish to formally object to the proposed application for Planning permission (P21-1260) and wish for our complaint to be read into the record of any meeting.

We reserve our right to make further representations on this matter through our appointed legal counsel, KSG Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to contradict the Planning and Development Regulations and Act.

### **1. Suitability & Building Height**

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighborhood, we invite the members of the Central Planning Authority ("the CPA") to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main tourism corridor which is undoubtedly intertwined with lower density residential areas.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly for a past master plan that never came to be. This piece is now isolated, mainly surrounded by an established low-density residential neighbourhood.

Regulation 8(2)(e)(i) allows maximum buildings heights of 10 storeys/130' for apartments and hotels, it does not guarantee that height as a right nor does it guarantee any mixture of land uses. This is a unique site as it is located in a residential LDR subdivision. Yes, the land to the east is also zoned Hotel/Tourism, but it is along a long, natural shoreline. The H/T zone extends the entirety of the North Sound shoreline, while the remainder of Crystal Harbour is zoned Low Density



Residential ("LDR") and separated from the Hotel/Tourism ("H/T") zone by Crighton Drive. This is an odd-shaped lot -it seems there might have been a larger master plan intended at one time that never came to fruition and thus this parcel remained vacant for years.

Building heights in this area are 3-storeys or less with the exception of an approved 4-storey apartment development destined for Block 17A Parcels 350 & 351. The only hotel use in the community is the Holiday Inn Grand Caymanian Resort which is only 3 storeys.

The applicant is correct, that this is one of the last large H/T pieces in the area, which means if it's approved for anything higher than 4 stories it will be the only tower and be out of character with the area. We respectfully submit that High towers are suitable in urban areas or area designed for high-density tourism such as Seven Mile Beach and George Town, **not a gated residential development.**

If CPA is minded to approve the development of the site in the proposed manner, it is clearly not in keeping with the characteristics of the neighborhood and the spirit of the legal framework underpinning development in the Cayman Islands.

## **2. Traffic & Road Safety**

Expanding the tourism within the residential subdivision will result in increased commercial traffic. The design offers nothing to mitigate the impacts, but instead we argue, is designed to worsen conflict.

Typically, a mixed-use and hotel development will have 1-2 access points from the road and offer an internal circulation system to direct guests. This proposal has 11 access drives. It is not designed to minimize traffic movements on a residential road. Crystal Harbour residents are able to walk, run and bike safely throughout the neighborhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.

If CPA chooses to support this application, we would ask that conditions be imposed to increase safety by improvements made to Crighton Drive such as striping of traffic lanes, bikes lanes and sidewalks. It appears the existing right-of-width can allow for such road improvements.

## **3. Boat Traffic**

Dockside parking is being offered for the signature restaurant, while not much appears to be offered for the hotel. Typically, a hotel with waterfront will offer watersports or charters, which we assume will occur for this proposal. This will introduce commercial boating activity through a residential canal system. There will be a parade of boats coming through, particularly on weekends impacting the residents' privacy and enjoyment of their property. An increase of noise and 'touring the canals' can only be expected creating a further nuisance to the existing owners and therefore diminishing or depriving them of their right to peaceful and quiet enjoyment of their property.

We would also like to have a full understanding of any Coastal Works Permits that may have been, or will be sought in relation to this development and reserve all rights to make representations on this aspect.

## **4. Parking**

It appears all of the restaurant and hotel parking are provided across Crighton Drive on residential lots Parcel 145 & 146. Are restaurant patrons expected to walk that distance to the restaurant? We submit this proposal will create a safety hazard for pedestrians on the property.

The restaurant's taxi-turnaround area shares access with the duplexes and house lots. If the restaurant is successful, this will cause conflict with access for the residences due to the inherent

risk of mixing commercial traffic in a low density residential area. The parallel parking in front of the restaurant – is this for the residences or the restaurant – is there a potential for conflict?

With the lack of appropriately places parking, we fear the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the subdivision, generating excess noise from vehicles, potential odors from car fumes, and head lights shining onto adjacent properties in the evenings. If the house lots are blocked from parking, this will likely force patrons to park on Crighton Drive. We draw attention to Reg 8.(1)(c) *in a Neighbourhood Commercial zone or Hotel/Tourism zone, twenty-five per cent of the parking space may be located not more than five hundred feet from the respective building.*

## **5. Noise**

The hotel includes a rooftop bar and kitchen, which will be the first of its kind within a residential neighbourhood. The proposed bar faces south onto the subdivision. The winds primarily come from the east and therefore the western properties will be negatively impacted by any sounds and odors coming from the roof top bar, restaurant, and any large group boating activities.

Any evening events will most likely have an impact on the neighbourhood with noise and lights which again diminish the owners ability to peaceful enjoyment and privacy of their property.

## **6. Hotel Setback Variance**

A small portion of the hotel encroaches the 20' road setback. The applicant claims the following exceptional circumstance to warrant the variance:

*8(13)(b)(ii) unusual terrain characteristics limit the site's development potential.*

We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

## **7. Commercial Use in a Residential Zone**

*Reg 9(5) states "No use of land within a residential zone shall be dangerous, obnoxious, toxic or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others".* The ancillary parking lot with a two-storey commercial building is located on a parcel zoned LDR. We argue this use will create nuisance for nearby properties by increasing traffic movements on a residential road (3 driveways for a single occupancy use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage – presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be errors or conflict with Development & Planning Regulations that we hereby ask that the CPA give its reasoned consideration.

- a. The applicant states the proposal area is 7.54 acres, while it is in fact approximately 6.33 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however 0.84 ac of the Parcel is excluded from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.
- b. The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide for an email address to inquire about the application.



- c. The newspaper advert and mailed notices make no mention of a canal extension or a residential subdivision.
- d. The house lots do not comply with minimum lot size requirements per Regulation 10(1)(d). The applicant has not stated they were requesting lot size variances.
- e. The architectural drawings do not include any details of the pedestrian bridge. What will the boat clearance be?
- f. The hotel ground floor plan only provides a shell – no details as to whether a lobby bar/restaurant will be included, extent of administrative offices.
- g. There are parking spaces that partially lie within the Crighton Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall lie within property boundaries, including sidewalks.

Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

Tanya and Kenneth Ziemniak block and parcel 17A 86

Tanya  
Sent from my iPhone



## Popovich, Nicholas

---

**From:** Department of Planning  
**Sent:** Thursday, January 13, 2022 11:30 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] OBJECTION: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145,146 and 170REM1

**From:** Samuel R. Banks [mailto:sam.banks@gmail.com]  
**Sent:** Thursday, January 13, 2022 9:34 AM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] OBJECTION: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145,146 and 170REM1

The Director of Planning  
Department of Planning  
Government Administration Building  
133 Elgin Avenue  
PO Box 113  
Grand Cayman,  
Cayman Islands  
KY1-9000

13 January 2022

Sent by: Email only; [planning.dept@gov.ky](mailto:planning.dept@gov.ky)

Dear Sir,

**Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145,146 and 170REM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works...." ("the Application")**

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

### **Suitability & Building Height**

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighborhood, we wish the CPA to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main tourism corridor.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly for a past master plan that never came to be. This piece is now isolated, mainly surrounded by an established low-density residential neighbourhood.

Although Regulation 8(2)(e)(i) allows maximum buildings heights of 10 storeys/130' for apartments and hotels, it does not guarantee that height as a right nor does it guarantee any mixture of land uses. This is a unique site as it is located in a residential LDR subdivision. Yes, the land to the east is also zoned Hotel/Tourism, but it is along a long, natural shoreline. The H/T zone extends the entirety of the North Sound shoreline, while the remainder of Crystal Harbour is zoned LDR and separated from the H/T zone by Crighton Drive. This is an odd-

shaped lot -it seems there might have been a larger master plan intended at one time that never came to fruition and thus this parcel remained vacant for years.

Building heights in this area are 3-storeys or less with the exception of an approved 4-storey apartment development destined for Block 17A Parcels 350 & 351. The only hotel use in the community is the Holiday Inn Grand Caymanian Resort which is only 3 storeys.

The applicant is correct, that this is one of the last large H/T pieces in the area, which means if it's approved for anything higher than 4 stories it will be the only tower and be out of character with the area. High towers are suitable in urban areas or area designed for high-density tourism such as Seven Mile Beach and George Town, not a gated residential development.

#### **Traffic & Road Safety**

Expanding the tourism within the residential subdivision will result in increased commercial traffic. The design offers nothing to mitigate the impacts, but instead we argue, is designed to worsen conflict.

Typically, a mixed-use and hotel development will have 1-2 access points from the road and offer an internal circulation system to direct guests. This proposal has 11 access drives. It is not designed to minimize traffic movements on a residential road. Crystal Harbour residents are able to walk, run and bike safely throughout the neighborhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.

If CPA chooses to support this application, we'd like to see improvements made to Crighton Drive such as striping of traffic lanes, bikes lanes and sidewalks. It appears the existing right-of-width can allow for such road improvements.

#### **Boat Traffic**

Dockside parking is being offered for the signature restaurant, while not much appears to be offered for the hotel. Typically, a hotel with waterfront will offer watersports or charters, which we assume will occur for this proposal. This will introduce commercial boating activity through a residential canal system. There will be a parade of boats coming through, particularly on weekends impacting the residents' privacy and enjoyment of their property. An increase of noise and 'touring the canals' can only be expected.

#### **Parking**

It appears all of the restaurant and hotel parking are provided across Crighton Drive on residential lots Parcel 145 & 146. Are restaurant patrons expected to walk that distance to the restaurant?

The restaurant's taxi-turnaround area shares access with the duplexes and house lots. If the restaurant is successful, will this cause conflict with access for the residences? The parallel parking in front of the restaurant – is this for the residences or the restaurant – is there a potential for conflict?

With the lack of appropriately places parking, we fear the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the subdivision, generating excess noise from vehicles, potential odors from car fumes, and head lights shining onto adjacent properties in the evenings. If the house lots are blocked from parking, will patrons then choose to park on Crighton Drive?

#### **Noise**

The hotel includes a rooftop bar and kitchen, which will be the first of its kind within a residential neighbourhood. Note the bar faces south onto the subdivision. The winds primarily come from the east and therefore the western properties will be negatively impacted by any sounds and odors coming from the roof top bar, restaurant, and any large group boating activities.

Any evening events will most likely have an impact on the neighbourhood with noise and lights.

#### **Hotel Setback Variance**

A small portion of the hotel encroaches the 20' road setback. The applicant claims the following exceptional circumstance to warrant the variance:

*8(13)(b)(ii) unusual terrain characteristics limit the site's development potential.*



We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

#### **Commercial Use in a Residential Zone**

*Reg 9(5) states "No use of land within a residential zone shall be dangerous, obnoxious, toxic or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others".* The ancillary parking lot with a two-storey commercial building is located on a parcel zoned LDR. We argue this use will create nuisance for nearby properties by increasing traffic movements on a residential road (3 driveways for a single occupancy use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage – presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be errors or conflict with Development & Planning Regulations.

- 1) The applicant states the proposal area is 7.54 acres, while it is in fact approximately 6.33 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however 0.84 ac of the Parcel is excluded from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.
- 2) The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide for an email address to inquire about the application.
- 3) The newspaper advert and mailed notices make no mention of a canal extension or a residential subdivision.
- 4) The house lots do not comply with minimum lot size requirements per Regulation 10(1)(d). The applicant has not stated they were requesting lot size variances.
- 5) The architectural drawings do not include any details of the pedestrian bridge. What will the boat clearance be?
- 6) The hotel ground floor plan only provides a shell – no details as to whether a lobby bar/restaurant will be included, extent of administrative offices.
- 7) There are parking spaces that partially lie within the Crighton Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall lie within property boundaries, including sidewalks.

Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

**SAMUEL R BANKS DIRECTOR EPHESIAN CAPITAL**

**BLOCK: 17A PARCEL: 162**

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Samuel R. Banks, Jr. M.A. Applied Economics, LL.B. (Hons) Lond.  
Attorney-at-Law

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## Popovich, Nicholas

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**From:** Enrique Tasende <Enrique.Tasende@dart.ky>  
**Sent:** Wednesday, January 12, 2022 10:49 PM  
**To:** Popovich, Nicholas; Department of Planning  
**Cc:** Marcela D'Alessio  
**Subject:** FW: [EXTERNAL] Objection letter

Good morning Mr. Popovich,

We have had an opportunity to better understand the proposal and wish to add onto our original objection which was emailed to you on January 10<sup>th</sup>.

There are particular elements of the development that we object to as well as items that appear to contradict the Planning and Development Regulations and Act.

### Suitability & Building Height

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighborhood, we wish the CPA to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main tourism corridor.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly for a past master plan that never came to be. This piece is now isolated, mainly surrounded by an established low-density residential neighbourhood.

Although Regulation 8(2)(e)(i) allows maximum buildings heights of 10 storeys/130' for apartments and hotels, it does not guarantee that height as a right nor does it guarantee any mixture of land uses. This is a unique site as it is located in a residential LDR subdivision. Yes, the land to the east is also zoned Hotel/Tourism, but it is along a long, natural shoreline. The H/T zone extends the entirety of the North Sound shoreline, while the remainder of Crystal Harbour is zoned LDR and separated from the H/T zone by Crighton Drive. This is an odd-shaped lot -it seems there might have been a larger master plan intended at one time that never came to fruition and thus this parcel remained vacant for years.

Building heights in this area are 3-storeys or less with the exception of an approved 4-storey apartment development destined for Block 17A Parcels 350 & 351. The only hotel use in the community is the Holiday Inn Grand Caymanian Resort which is only 3 storeys.

The applicant is correct, that this is one of the last large H/T pieces in the area, which means if it's approved for anything higher than 4 stories it will be the only tower and be out of character with the area. High towers are suitable in urban areas or area designed for high-density tourism such as Seven Mile Beach and George Town, not a gated residential development.

### Traffic & Road Safety

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Typically, a mixed-use and hotel development will have 1-2 access points from the road and offer an internal circulation system to direct guests. This proposal has 11 access drives. It is not designed to minimize traffic movements on a residential road. Crystal Harbour residents are able to walk, run and bike safely throughout the neighborhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.

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If CPA chooses to support this application, we'd like to see improvements made to Crighton Drive such as striping of traffic lanes, bikes lanes and sidewalks. It appears the existing right-of-width can allow for such road improvements.

### Boat Traffic

Dockside parking is being offered for the signature restaurant, while not much appears to be offered for the hotel. Typically, a hotel with waterfront will offer watersports or charters, which we assume will occur for this proposal. This will introduce commercial boating activity through a residential canal system. There will be a parade of boats coming through, particularly on weekends impacting the residents' privacy and enjoyment of their property. An increase of noise and 'touring the canals' can only be expected.

### Parking

It appears all of the restaurant and hotel parking are provided across Crighton Drive on residential lots Parcel 145 & 146. Are restaurant patrons expected to walk that distance to the restaurant?

The restaurant's taxi-turnaround area shares access with the duplexes and house lots. If the restaurant is successful, will this cause conflict with access for the residences? The parallel parking in front of the restaurant – is this for the residences or the restaurant – is there a potential for conflict?

With the lack of appropriately places parking, we fear the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the subdivision, generating excess noise from vehicles, potential odors from car fumes, and head lights shining onto adjacent properties in the evenings. If the house lots are blocked from parking, will patrons then choose to park on Crighton Drive?

### Noise

The hotel includes a rooftop bar and kitchen, which will be the first of its kind within a residential neighbourhood. Note the bar faces south onto the subdivision. The winds primarily come from the east and therefore the western properties will be negatively impacted by any sounds and odors coming from the roof top bar, restaurant, and any large group boating activities.

Any evening events will most likely have an impact on the neighbourhood with noise and lights.

### Hotel Setback Variance

A small portion of the hotel encroaches the 20' road setback. The applicant claims the following exceptional circumstance to warrant the variance:

*8(13)(b)(ii) unusual terrain characteristics limit the site's development potential.*

We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

### Commercial Use in a Residential Zone

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Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage – presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?



We include a few other items that appear to be errors or conflict with Development & Planning Regulations.

- 1) The applicant states the proposal area is 7.54 acres, while it is in fact approximately 6.33 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however 0.84 ac of the Parcel is excluded from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.
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- 7) There are parking spaces that partially lie within the Crighton Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall lie within property boundaries, including sidewalks.

Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

Kind Regards,

Enrique and Marcela Tasende

owner of Block 17A Parcel 163

## Enrique Tasende

Senior Vice President, Active Investments

### Dart

**D:** +1345 6406431

**M:** +1345 3261693

**O:** +1345 6403600

**E:** [Enrique.Tasende@dart.ky](mailto:Enrique.Tasende@dart.ky)

**PHYSICAL ADDRESS:** 89 Nexus Way, Camana Bay, Grand Cayman, Cayman Islands

**MAILING ADDRESS:** 10 Market St. #772 Camana Bay, Grand Cayman, Cayman Islands KY1-9006

[Dart.ky](http://Dart.ky) | [Instagram](#) | [Facebook](#) | [LinkedIn](#)

Please consider the impact on the environment before printing this email.

On Tue, Jan 11, 2022 at 9:07 AM Popovich, Nicholas <[Nicholas.Popovich@gov.ky](mailto:Nicholas.Popovich@gov.ky)> wrote:

Mr Tasende,

Thank you for the objection letter

I will pass your email on to the applicant

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They may or may not reply

Objection letters will only be received until midnight on the 14 January

Therefore, your letter proposed to be submitted on the 21 January would not be presented to the CPA

I hope that helps

Nick

**Nick Popovich M.PL, MCIP, RPP, AICP**

**Planning Officer | Current Planning**



**DEPARTMENT OF PLANNING**  
Cayman Islands Government

**Government Administration Building**

**133 Elgin Avenue | George Town**

**P.O. Box 113 | Grand Cayman KY1-9000 | CAYMAN ISLANDS**

**+1 345 244-6501 (Main) | +1 345 244-6538 (Direct)**

**✉ [nicholas.popovich@gov.ky](mailto:nicholas.popovich@gov.ky) | [www.planning.gov.ky](http://www.planning.gov.ky)**

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**From:** Department of Planning

**Sent:** Tuesday, January 11, 2022 8:57 AM

**To:** Popovich, Nicholas <[Nicholas.Popovich@gov.ky](mailto:Nicholas.Popovich@gov.ky)>

**Subject:** FW: [EXTERNAL] Objection letter

**From:** Enrique Tasende [<mailto:etase372@gmail.com>]

**Sent:** Monday, January 10, 2022 10:14 PM

**To:** Popovich, Nicholas <[Nicholas.Popovich@gov.ky](mailto:Nicholas.Popovich@gov.ky)>; Department of Planning <[Planning.Dept@gov.ky](mailto:Planning.Dept@gov.ky)>; Marcela <[chudal@yahoo.com](mailto:chudal@yahoo.com)>

**Subject:** [EXTERNAL] Objection letter

You are hereby notified that an application for planning permission for the purpose of 93 residential units and 44 hotel suites, for a total of 137 units, broken down per the following: (1) 9-story Hotel, (5) Apartment Buildings (between 7-9 stories), (10) Duplexes, and (20) Townhouses. There is also a 2-story Garage Storage building, 5 lots assigned for single family homes, and an amenity structure containing a Restaurant Owner's Lounge & Café, all connected via landscaped paths, courtyards, bridge, and public gardens, on Block 17A, Parcels 145, 146, and 170REM1, near to Crichton Dr., and owned by LAND LTD. has been submitted to the Central Planning Authority (CPA), Grand Cayman.

The Application can be inspected at the Department of Planning, 133 Elgin Avenue, The Government Administration Building, George Town, Grand Cayman. If you wish to object or support the application you should do so in writing stating your precise grounds within 21 CALENDAR DAYS of the date of posting. Your comments should be addressed to the Director of Planning, P.O Box 113, Grand Cayman, KY 1-9000. Please include your return address (Typically a P.O Box number)

Mr. Popovich,

I am the registered owner of Block 17A Parcel 163 and I lie within the notification radius for the above-referenced application. I wish to lodge an objection to the application in order to be able to present some concerns for the CPA to consider. I was able to view the application details earlier this week and given the complexity and scale of the proposal it may take a few days to sufficiently outline my concerns. I understand the last day to submit objections is Friday, January 14<sup>th</sup> and in the risk I'm unable to provide my full concerns by that date, I offer a few questions below for the applicant.

1. What is the anticipated phasing schedule? Where will construction operations be staged during each phase?
2. How will the access gates from Safehaven and Crystal Harbour south be managed?
3. What type of watersports will be offered by the hotel? Where will the vessels be parked?
4. Can you provide color renderings of the proposal (day and night). I'm particularly interested in any accent lighting.
5. It's not clear what works are proposed for the existing seawall and canal. How will dredging and construction of the duplex boat slips be managed?
6. Will the signature restaurant be open to the general public? Will it be a 3-meal restaurant? How will parking be managed as there does not appear to be any designated parking for this use.
7. Will the hotel pool bar be open to hotel guests only or the general public?



If the applicant chooses to respond to the above queries before the application is scheduled for CPA, I would appreciate receiving a copy.

I will be going over my notes in the next few days and will submit a formal letter no later than Friday, January 21<sup>st</sup>, if that is acceptable.

Thank you,

211

## Popovich, Nicholas

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**From:** Department of Planning  
**Sent:** Wednesday, January 12, 2022 11:40 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] P21-1260 objection

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**From:** philipr@rc-qs.com [mailto:philipr@rc-qs.com]  
**Sent:** Wednesday, January 12, 2022 11:15 AM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** RE: [EXTERNAL] P21-1260 objection

Dear Director of Planning:

We have had an opportunity to better understand the proposal and wish to add onto my original objection for Lot Owner Philip Ruffolo (Lot 17A-356).

There are particular elements of the development that we object to as well as items that appear to contradict the Planning and Development Regulations and Act.

### Suitability & Building Height

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighborhood, we wish the CPA to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main tourism corridor.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly for a past master plan that never came to be. This piece is now isolated, mainly surrounded by an established low-density residential neighbourhood.

Although Regulation 8(2)(e)(i) allows maximum buildings heights of 10 storeys/130' for apartments and hotels, it does not guarantee that height as a right nor does it guarantee any mixture of land uses. This is a unique site as it is located in a residential LDR subdivision. Yes, the land to the east is also zoned Hotel/Tourism, but it is along a long, natural shoreline. The H/T zone extends the entirety of the North Sound shoreline, while the remainder of Crystal Harbour is zoned LDR and separated from the H/T zone by Crighton Drive. This is an odd-shaped lot -it seems there might have been a larger master plan intended at one time that never came to fruition and thus this parcel remained vacant for years.

Building heights in this area are 3-storeys or less with the exception of an approved 4-storey apartment development destined for Block 17A Parcels 350 & 351. The only hotel use in the community is the Holiday Inn Grand Caymanian Resort which is only 3 storeys.

The applicant is correct, that this is one of the last large H/T pieces in the area, which means if it's approved for anything higher than 4 stories it will be the only tower and be out of character with the area. High towers are suitable in urban areas or area designed for high-density tourism such as Seven Mile Beach and George Town, not a gated residential development.

### Traffic & Road Safety

Expanding the tourism within the residential subdivision will result in increased commercial traffic. The design offers nothing to mitigate the impacts, but instead we argue, is designed to worsen conflict.



Typically, a mixed-use and hotel development will have 1-2 access points from the road and offer an internal circulation system to direct guests. This proposal has 11 access drives. It is not designed to minimize traffic movements on a residential road. Crystal Harbour residents are able to walk, run and bike safely throughout the neighborhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.

If CPA chooses to support this application, we'd like to see improvements made to Crighton Drive such as striping of traffic lanes, bikes lanes and sidewalks. It appears the existing right-of-width can allow for such road improvements.

#### Boat Traffic

Dockside parking is being offered for the signature restaurant, while not much appears to be offered for the hotel. Typically, a hotel with waterfront will offer watersports or charters, which we assume will occur for this proposal. This will introduce commercial boating activity through a residential canal system. There will be a parade of boats coming through, particularly on weekends impacting the residents' privacy and enjoyment of their property. An increase of noise and 'touring the canals' can only be expected.

#### Parking

It appears all of the restaurant and hotel parking are provided across Crighton Drive on residential lots Parcel 145 & 146. Are restaurant patrons expected to walk that distance to the restaurant?

The restaurant's taxi-turnaround area shares access with the duplexes and house lots. If the restaurant is successful, will this cause conflict with access for the residences? The parallel parking in front of the restaurant – is this for the residences or the restaurant – is there a potential for conflict?

With the lack of appropriately places parking, we fear the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the subdivision, generating excess noise from vehicles, potential odors from car fumes, and head lights shining onto adjacent properties in the evenings. If the house lots are blocked from parking, will patrons then choose to park on Crighton Drive?

#### Noise

The hotel includes a rooftop bar and kitchen, which will be the first of its kind within a residential neighbourhood. Note the bar faces south onto the subdivision. The winds primarily come from the east and therefore the western properties will be negatively impacted by any sounds and odors coming from the roof top bar, restaurant, and any large group boating activities.

Any evening events will most likely have an impact on the neighbourhood with noise and lights.

#### Hotel Setback Variance

A small portion of the hotel encroaches the 20' road setback. The applicant claims the following exceptional circumstance to warrant the variance:

*8(13)(b)(ii) unusual terrain characteristics limit the site's development potential.*

We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

#### Commercial Use in a Residential Zone

*Reg 9(5) states "No use of land within a residential zone shall be dangerous, obnoxious, toxic or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others".* The ancillary parking lot with a two-storey commercial building is located on a parcel zoned LDR. We argue this use will create nuisance for nearby properties by increasing traffic movements on a residential road (3 driveways for a single occupancy use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.



Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage – presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be errors or conflict with Development & Planning Regulations.

- 1) The applicant states the proposal area is 7.54 acres, while it is in fact approximately 6.33 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however 0.84 ac of the Parcel is excluded from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.
- 2) The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide for an email address to inquire about the application.
- 3) The newspaper advert and mailed notices make no mention of a canal extension or a residential subdivision.
- 4) The house lots do not comply with minimum lot size requirements per Regulation 10(1)(d). The applicant has not stated they were requesting lot size variances.
- 5) The architectural drawings do not include any details of the pedestrian bridge. What will the boat clearance be?
- 6) The hotel ground floor plan only provides a shell – no details as to whether a lobby bar/restaurant will be included, extent of administrative offices.
- 7) There are parking spaces that partially lie within the Crighton Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall lie within property boundaries, including sidewalks.

Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

**From:** [philipr@rc-qs.com](mailto:philipr@rc-qs.com) <[philipr@rc-qs.com](mailto:philipr@rc-qs.com)>  
**Sent:** Wednesday, January 12, 2022 11:06 AM  
**To:** 'Planning.Dept@gov.ky' <[Planning.Dept@gov.ky](mailto:Planning.Dept@gov.ky)>  
**Subject:** RE: [EXTERNAL] P21-1260 objection

Here is my formal objection:

**My name is Philip Ruffolo, owner of Block and Parcel: 17A-356 in Crystal Harbour.**

**I would like to object to the proposal of the plan for Block 17A Parcel: 170REM1 on the following grounds:**

1. Hotel tourism allows 5 storeys or 65' heights in general hotel Tourism areas and only In HT zone 1 and 2 it permits 10 storeys. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should enforce the developer to inform this to the public.
2. The application is incomplete as what has been made available to the public is only a site plan and elevations, No floor plans are shown on this application, neither information required as per below:

- 2a. A site analysis with information for property size.
- 2b. Number of units with number of bedrooms
- 2c. Hotel number of bedrooms.
- 2d. Number of parking spaces proposed for the hotel and the restaurant. For 13,336 sf of restaurant a developer is required to provide 67 parking spaces. For the Hotel the developer is required to provide parking as per number of rooms however the analysis has not been provided.
- 2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.
- 3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft and not 25 ft as required.
  - 3a. The parking areas proposed on Crighton Drive are outside of the property line.
  - 3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.
  - 3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north canal.
- 4. If variances are requested they have not been mentioned on the notification to the public.
- 5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

---

**From:** philipr@rc-qs.com <philipr@rc-qs.com>  
**Sent:** Wednesday, January 12, 2022 10:35 AM  
**To:** 'Planning.Dept@gov.ky' <Planning.Dept@gov.ky>  
**Subject:** RE: [EXTERNAL] P21-1260 objection

Hello,

I just wanted to confirm that my objection has been noted?

It is clear that this development violates several Hotel & Tourism rules regarding number of units per acre of land and site coverage.

Regards,  
Philip

---

**From:** Philip Ruffolo <philipr@rc-qs.com>  
**Sent:** Saturday, January 1, 2022 9:48 AM  
**To:** Planning.Dept@gov.ky  
**Subject:** RE: [EXTERNAL] P21-1260 objection

Thanks. Please take this email as my objection to this plan.

----- On Wed, 29 Dec 2021 15:35:06 -0500 [Planning.Dept@gov.ky](mailto:Planning.Dept@gov.ky) wrote -----

Good afternoon Mr. Ruffolo,

Given that your property would fall within the required notification radius, you have the right to lodge an objection. You can simply email it to this address. We will acknowledge receipt and you will be invited to attend the CPA meeting when the application is considered where you will have an opportunity to voice your comments in person, or via Zoom.

Kind regards,

**Ron Sanderson**

**Deputy Director of Planning | Current Planning**

**Department of Planning | Cayman Islands Government | Government Administration Building,**

**133 Elgin Avenue | PO Box 113, Grand Cayman, Cayman Islands KY1-9000**

☎ +1 345 244-6504 (Main ) ☎ +1 345 244- 6501

✉ [ron.sanderson@gov.ky](mailto:ron.sanderson@gov.ky) | 🌐 [www.planning.ky](http://www.planning.ky)

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**DEPARTMENT OF PLANNING**  
Cayman Islands Government

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**From:** Philip Ruffolo [mailto:[philipr@rc-gs.com](mailto:philipr@rc-gs.com)]

**Sent:** Sunday, December 26, 2021 11:40 AM

**To:** Planning Info <[info@planning.gov.ky](mailto:info@planning.gov.ky)>; Department of Planning <[Planning.Dept@gov.ky](mailto:Planning.Dept@gov.ky)>

**Subject:** [EXTERNAL] P21-1260 objection



Hello,

I own a lot neighboring this proposed development (lot 17A 356). Is there an opportunity for me to object to a 10-story building in my backyard?

Its not really clear on your website how I would go about doing this or if its possible. Any help would be greatly appreciated.

Regards,

Philip Ruffolo

## Popovich, Nicholas

---

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**Sent:** Wednesday, January 12, 2022 11:40 AM  
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Here is my formal objection:

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1. Hotel tourism allows 5 storeys or 65' heights in general hotel Tourism areas and only In HT zone 1 and 2 it permits 10 storeys. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should enforce the developer to inform this to the public.
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  - 2a. A site analysis with information for property size.
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3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft and not 25 ft as required.
  - 3a. The parking areas proposed on Crighton Drive are outside of the property line.



3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.

3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north canal.

4. If variances are requested they have not been mentioned on the notification to the public.

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**Sent:** Wednesday, January 12, 2022 10:35 AM

**To:** 'Planning.Dept@gov.ky' <[Planning.Dept@gov.ky](mailto:Planning.Dept@gov.ky)>

**Subject:** RE: [EXTERNAL] P21-1260 objection

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**Ron Sanderson**

Deputy Director of Planning | **Current Planning**

Department of Planning | Cayman Islands Government | Government Administration Building,

133 Elgin Avenue | PO Box 113, Grand Cayman, Cayman Islands KY1-9000

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**DEPARTMENT OF PLANNING**  
Cayman Islands Government

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**Subject:** [EXTERNAL] P21-1260 objection

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Regards,

Philip Ruffolo

## Popovich, Nicholas

---

**From:** Department of Planning  
**Sent:** Tuesday, January 11, 2022 8:57 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Objection letter

**From:** Enrique Tasende [mailto:etase372@gmail.com]  
**Sent:** Monday, January 10, 2022 10:14 PM  
**To:** Popovich, Nicholas <Nicholas.Popovich@gov.ky>; Department of Planning <Planning.Dept@gov.ky>; Marcela <chudal@yahoo.com>  
**Subject:** [EXTERNAL] Objection letter

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The Application can be inspected at the Department of Planning, 133 Elgin Avenue, The Government Administration Building, George Town, Grand Cayman. If you wish to object or support the application you should do so in writing stating your precise grounds within 21 CALENDAR DAYS of the date of posting. Your comments should be addressed to the Director of Planning, P O Box 113, Grand Cayman, KY1-9000. Please include your return address (Typically a P.O Box number)

Mr. Popovich,

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If the applicant chooses to respond to the above queries before the application is scheduled for CPA, I would appreciate receiving a copy.

I will be going over my notes in the next few days and will submit a formal letter no later than Friday, January 21<sup>st</sup>, if that is acceptable.

Thank you,

## Popovich, Nicholas

---

**From:** Department of Planning  
**Sent:** Tuesday, January 11, 2022 8:56 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Re: Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170REM1

---

**From:** Suzy Hanna [mailto:suzyhanna@me.com]  
**Sent:** Monday, January 10, 2022 9:05 PM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Re: Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170REM1

My name is Dr. Suzy Hanna, owner of Block and Parcel: 17A-38 in Crystal Harbour.

I would like to object to the proposal of the plan for Block 17A  
Parcel: 170REM1 on the following grounds:

1. Hotel tourism allows 5 storeys or 65' heights in general hotel Tourism areas and only In HT zone 1 and 2 it permits 10 storeys. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should enforce the developer to inform this to the public.
2. The application is incomplete as what has been made available to the public is only a site plan and elevations, No floor plans are shown on this application, neither information required as per below:
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Dr. Suzy Hanna





## Popovich, Nicholas

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**From:** Department of Planning  
**Sent:** Monday, January 10, 2022 2:22 PM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Objection to Project No:P21-1260 Block:17A Parcel: 170REM1

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**From:** rosaleen.corbin@gmail.com [mailto:rosaleen.corbin@gmail.com]  
**Sent:** Monday, January 10, 2022 1:44 PM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Objection to Project No:P21-1260 Block:17A Parcel: 170REM1

Dear Director of Planning,

Re: Objection to **PROJECT NO.**P21-1260, Block 17A Parcel: 170REM1

My name is **M. Rosaleen Corbin**, owner of West Bay Beach North Block, Parcel: **17A / 33** in Crystal Harbour.

I would like to object to the proposal of the plan for Block 17A Parcel: 170REM1 on the following grounds:

1. Hotel tourism allows 5 stories or 65' heights in general hotel Tourism areas and only In HT zone 1 and 2 it permits 10 stories. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 stories being proposed. The Department of Planning should enforce the developer to inform this to the public.
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5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

With thanks for considering my objections.

M Rosaleen Corbin  
[rosaleen.corbin@gmail.com](mailto:rosaleen.corbin@gmail.com)



**KIERAN AND MICHELLE O'MAHONY**  
YACHT CLUB VILLAS, NO. 4,  
THE CAYMAN ISLANDS YACHT CLUB,  
SEVEN MILE BEACH,  
P.O. BOX 30835 GRAND CAYMAN KY1-1204,  
CAYMAN ISLANDS.

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

E: [planning.dept@gov.ky](mailto:planning.dept@gov.ky)  
E: [info@planning.gov.ky](mailto:info@planning.gov.ky)

**Sunday, January 09, 2022**

Dear Director of Planning,

Re: Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170REM1 - Crystal Harbour - Mega development – "Prisma" - (the "Proposal").

My name is **Michelle O'Mahony**, co-owner of Block; **17A** and Parcel; **154** in Crystal Harbour.

I would like to object to the Proposal of the plan for Block 17A Parcel: 170REM1 on the following grounds:

1. Hotel tourism allows for 5 storeys or 65' heights in general Hotel/Tourism ("H/T") areas and only in HT zone 1 and 2 does it permits 10 storeys. The application does not specify if this property is zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should require the developer to inform the applicable zoning designation to the public.
2. I believe the application to be incomplete as what has been made available to the public is only a site plan and elevations with the number of floor plans shown, on this application. The following information is, I believe, required, as per below:
  - a. A site analysis with details/information on property size.
  - b. Detailing the number of units and the number of bedrooms
  - c. Detailing hotel bedroom numbers.
  - d. Detailing the number of parking spaces proposed for the hotel and the restaurant.

For 13,336 sf of restaurant, I understand that a developer is required to provide 67 parking spaces. For the hotel the developer is required to

Mobile: +1 345 326-3557

Home: +1 345 946-3304

Work (direct): +1 345 914-5721



provide parking as per number of rooms however this analysis has not been provided.

- e. I understand that site coverage should not exceed 40% of the property size as per planning laws. This detail does not appear to be provided to the public on this application.
3. In hotel tourism, I understand, the minimum roadside/front and as well, the minimum rear setback is 25 ft. As per the proposed plans it is noted, I understand, that on Crighton Drive the setback proposed is 20 ft and not 25 ft, as is required.
- a. The parking areas, it appears, that are proposed on Crighton Drive are outside of the property line.
  - b. The hotel is already, it appears, encroaching on a 20 ft setback. This encroachment will be even more on a setback of 25 ft. (as it should be for this zone).
  - c. It appears, that the duplexes, as proposed, are encroaching into the setback of 25 ft set back for total tourism on the north canal.
  - d. If variances are requested, it appears that they have not been mentioned on the notification to the public.

The corner plots at the west end of the property are shown as being both vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been provided on this application.

Over all, from what is available to see, this proposal is a high density, "mega" development. It is not at all in keeping with the nature, scale and aesthetics of the Crystal Harbour neighbourhood. When we bought our property in September of 2009, the reference point for what constituted "hotel/tourism" in the area was the "Holiday Inn". This proposed mega development is no Holiday Inn in its size, its density, its height and the impact that it will have on a quiet residential neighbourhood. It will, if approved in its current form, negatively impact the entire Crystal Harbour area – from an aesthetics and scale point of view. Further it will cause significant traffic flow/jams with associated noise and air pollution, as well as change the very fabric of Crystal Harbour from a predominantly family orientated neighbourhood to a tourist trap. Resident, but especially children and older people will not be safe playing and walking in the neighbourhood due to the significant increased traffic flow.

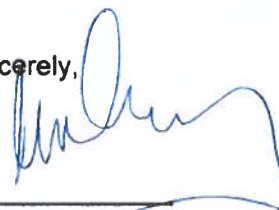
I find the whole application process to be opaque with inadequate detail provided. This is not a good harbinger of the type development we would want in our vicinity.

I further object to that tried and tested method of posting out proposed planning notifications to impacted neighbours just before the Christmas period in order that the Holiday Season will reduce the numbers of property owners picking up their post and responding to the proposal. This smacks of trickery, plain and simple. It is a ruse used to disadvantage property owners in the neighbourhood, irrespective of whether it is technically within the provisions of the law.

This proposal is completely at odds with what is currently "Crystal Harbour" and should on these grounds not be approved.

January 9, 2022

Sincerely,



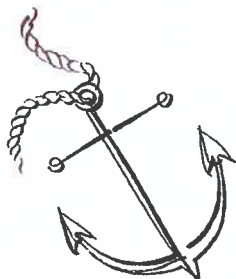
Michelle O'Mahony

Email: Michelle\_Kman@candw.ky

Cell: +1 (345) 326 3303; Email: Michelle\_Kman@candw.ky







**KIERAN AND MICHELLE O'MAHONY**  
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The Director of Planning  
The Department of Planning  
Cayman Islands Government  
PO Box 113  
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E: [info@planning.gov.ky](mailto:info@planning.gov.ky)

**Sunday, January 09, 2022**

Dear Director of Planning,

Re: Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170REM1 - Crystal Harbour - Mega development – "Prisma" - (the "Proposal").

My name is **Kieran O'Mahony**, co-owner of Block; **17A** and Parcel; **154** in Crystal Harbour.

I would like to object to the Proposal of the plan for Block 17A Parcel: 170REM1 on the following grounds:

1. Hotel tourism allows for 5 storeys or 65' heights in general Hotel/Tourism ("H/T") areas and only in HT zone 1 and 2 does it permits 10 storeys. The application does not specify if this property is zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should require the developer to inform the applicable zoning designation to the public.
2. I believe the application to be incomplete as what has been made available to the public is only a site plan and elevations with the number of floor plans shown, on this application. The following information is, I believe, required, as per below:
  - a. A site analysis with details/information on property size.
  - b. Detailing the number of units and the number of bedrooms
  - c. Detailing hotel bedroom numbers.
  - d. Detailing the number of parking spaces proposed for the hotel and the restaurant.

For 13,336 sf of restaurant, I understand that a developer is required to provide 67 parking spaces. For the hotel the developer is required to

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Work (direct): +1 345 914-5721

54  
KOH

provide parking as per number of rooms however this analysis has not been provided.

- e. I understand that site coverage should not exceed 40% of the property size as per planning laws. This detail does not appear to be provided to the public on this application.
3. In hotel tourism, I understand, the minimum roadside/front and as well, the minimum rear setback is 25 ft. As per the proposed plans it is noted, I understand, that on Crighton Drive the setback proposed is 20 ft and not 25 ft, as is required.
- a. The parking areas, it appears, that are proposed on Crighton Drive are outside of the property line.
  - b. The hotel is already, it appears, encroaching on a 20 ft setback. This encroachment will be even more on a setback of 25 ft. (as it should be for this zone).
  - c. It appears, that the duplexes, as proposed, are encroaching into the setback of 25 ft set back for total tourism on the north canal.
  - d. If variances are requested, it appears that they have not been mentioned on the notification to the public.

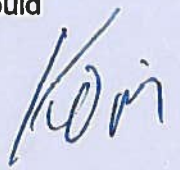
The corner plots at the west end of the property are shown as being both vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been provided on this application.

Over all, from what is available to see, this proposal is a high density, "mega" development. It is not at all in keeping with the nature, scale and aesthetics of the Crystal Harbour neighbourhood. When we bought our property in September of 2009, the reference point for what constituted "hotel/tourism" in the area was the "Holiday Inn". This proposed mega development is no Holiday Inn in its size, its density, its height and the impact that it will have on a quiet residential neighbourhood. It will, if approved in its current form, negatively impact the entire Crystal Harbour area – from an aesthetics and scale point of view. Further it will cause significant traffic flow/jams with associated noise and air pollution, as well as change the very fabric of Crystal Harbour from a predominantly family orientated neighbourhood to a tourist trap. Resident, but especially children and older people will not be safe playing and walking in the neighbourhood due to the significant increased traffic flow.

I find the whole application process to be opaque with inadequate detail provided. This is not a good harbinger of the type development we would want in our vicinity.

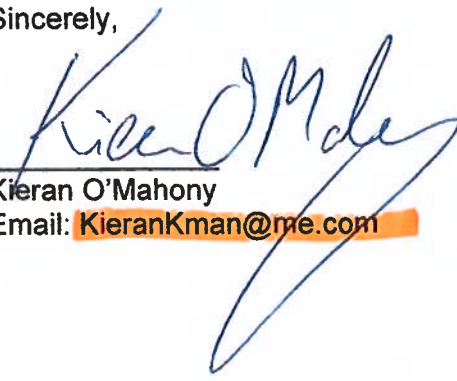
I further object to that tried and tested method of posting out proposed planning notifications to impacted neighbours just before the Christmas period in order that the Holiday Season will reduce the numbers of property owners picking up their post and responding to the proposal. This smacks of trickery, plain and simple. It is a ruse used to disadvantage property owners in the neighbourhood, irrespective of whether it is technically within the provisions of the law.

This proposal is completely at odds with what is currently "Crystal Harbour" and should on these grounds not be approved.



January 9, 2022

Sincerely,

A handwritten signature in blue ink, appearing to read "Kieran O'Mahony", with a long, sweeping flourish extending downwards and to the right.

Kieran O'Mahony

Email: [KieranKman@me.com](mailto:KieranKman@me.com)





## Popovich, Nicholas

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**From:** Department of Planning  
**Sent:** Monday, January 10, 2022 9:43 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Prisma - Crystal Harbour - Letter of Objection to the Development  
**Attachments:** 2022-01-09 Letter Of Objection to PRISMA Crystal Harbour 1.pdf

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**From:** Kieran O'Mahony [mailto:kierankman@me.com]  
**Sent:** Monday, January 10, 2022 7:11 AM  
**To:** Department of Planning <Planning.Dept@gov.ky>; Planning Info <info@planning.gov.ky>  
**Cc:** Michelle O'Mahony <Michelle\_Kman@candw.ky>  
**Subject:** [EXTERNAL] Prisma - Crystal Harbour - Letter of Objection to the Development

Dear Director of Planning,

Please find attached a letter of objection to the proposed development to build 93 residential units, 44 hotel Suites, a 9 story hotel, 5x apartment buildings at 7/9 stories, 10x duplexes, and 20 townhouses, also a 2 story garage/ storage, 5 residential lots and amenities (including a restaurant) on blocks 17A145/146/170REM1 in Crystal Harbour.

This mega development is completely out of character with the residential, family neighbourhood that is Crystal Harbour and would significantly, negatively impact my property at Block 17A; Parcel 154.

Please acknowledge receipt of this letter of objection/email.

Thank you.

Regards,  
Kieran

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Kieran O'Mahony  
[kierankman@me.com](mailto:kierankman@me.com)

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## Popovich, Nicholas

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**From:** Department of Planning  
**Sent:** Monday, January 10, 2022 9:43 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Development Proposal for Block 17A Parcel 170REM1

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**From:** Nicholas Teasdale [mailto:[nteasdale@me.com](mailto:nteasdale@me.com)]  
**Sent:** Sunday, January 9, 2022 4:49 PM  
**To:** Department of Planning <[Planning.Dept@gov.ky](mailto:Planning.Dept@gov.ky)>  
**Subject:** [EXTERNAL] Development Proposal for Block 17A Parcel 170REM1

My name is Nicholas Teasdale, owner of Block 17A, Parcel 34 in Crystal Harbour.  
I would like to object to the proposal of the plan for Block 17A, Parcel 170REM1 on the following grounds:

1. Hotel tourism allows for 5 stories or 65' heights in general hotel Tourism areas and only in HT zone 1. This is a neighborhood of 2 stories family homes, which is completely inconsistent with the neighborhood, and if it was it must be a mistake and it should be rectified. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 story buildings being proposed. The Department of Planning should enforce the developer to inform the public and not allow construction above 5 stories that is already completely outside the range of homes of the neighborhood in which it is located.
2. The application is incomplete and what has been made available to the public is only a site plan and elevations. No floor plans are shown on this application, and neither is the following information normally required:
  - A site analysis with information for property size.
  - Number of units with number of bedrooms
  - Number of bedrooms in hotel.
  - Number of parking spaces proposed for the hotel and the restaurant. For 13,336 sf of restaurant a developer it would be required to provide 67 parking spaces. For the Hotel the developer is required to provide parking as per number of rooms however this analysis has not been provided.
  - The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.
3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft and not 25 ft as required.

57

- The parking areas proposed on Crighton Drive are outside of the property line, this must not be accepted, the property should be self-contained for its own parking spaces as required by the regulation and there should not be a property that is designated single family residential used for a parking building.
- The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.
- The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north canal.

4. If variances are requested, they have not been mentioned on the notification to the public.
5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

We purchased our home in Crystal Harbour based on the belief that it was a residential neighborhood with only 2-3 story homes. Crystal Harbour is a quiet and family friendly neighborhood with low density. Bringing this huge development will radically change the nature of the neighborhood and certainly the traffic within it.

The proposed development will bring a much high density of population to our neighborhood but also traffic and also cars parked everywhere on the roads (as there is not enough parking space on the proposal considering the amount of units). Significantly higher densities and increased traffic will impact not only impact on the quality of life but also on the safety of our kids who ride their bikes and walk their dogs.

I'm very surprised that an application for a project of this scope is being considered by the planning department when so much information about the development is missing.

If there is a separate parking in a separate parcel being considered, this should not be considered as a separate application, under which it is more than clear that a parking building cannot be approved in a single family designated parcel.

Given all that is expressed above I strongly encourage you to reject this application which should be sent back to the drawing board.

Sincerely,  
Nicholas Teasdale

## Popovich, Nicholas

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**From:** Department of Planning  
**Sent:** Monday, January 10, 2022 9:42 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: NOTICE OF OBJECTION TO PROJECT NO. P21-1260, BLOCK 17A PARCEL 170REM1

**From:** Tanya Jamieson [mailto:tannyfoo2u@hotmail.com]  
**Sent:** Sunday, January 9, 2022 11:57 AM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Cc:** Ian Jamieson <Ian.Jamieson@bedellcristin.com>  
**Subject:** [EXTERNAL] NOTICE OF OBJECTION TO PROJECT NO. P21-1260, BLOCK 17A PARCEL 170REM1

Dear Sir/Madam - Director of Planning

Our names are Ian Jamieson and Tanya Jamieson, the owners of Block 17A Parcel 318 in the Crystal Harbour neighbourhood. We wish to submit our objections to the planning application P21-1260. Below is a list of grounds of objection:

1. Hotel tourism allows 5 storeys or 65' heights in general hotel Tourism areas and only In HT zone 1 and 2 it permits 10 storeys. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should request that the developer inform the public appropriately.
2. The application is incomplete. There is only a site plan and elevations. There are no floor plans shown on this application, neither information required as per below:
  3. 2a. A site analysis with information for property size.
  4. 2b. Number of units with number of bedrooms
  5. 2c. Hotel number of bedrooms.
  6. 2d. Number of parking spaces proposed for the hotel and the restaurant. For 13,336 sf of restaurant a developer is required to provide 67 parking spaces. For the Hotel the developer is required to provide parking as per number of rooms however the analysis has not been provided.
3. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.
4. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft and not 25 ft as required.
  - 4a. The parking areas proposed on Crighton Drive are outside of the property line.
  - 4b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.

58



4c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north canal.

5. If variances are requested they have not been mentioned on the notification to the public.
6. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project, but again calculations have not been displayed on this application.
- 7.
8. In summary, the area of Crystal Harbour is a very quiet residential area. We purchased land and are in the process of building a family home in Crystal Harbour. We are complying with the Crystal Harbour covenants ourselves in ensuring our own home is limited in size and height and to hear now that a huge multiple storey and high density development is now being planned just a few roads away is not we believe in compliance with and/or not reflective of current planning guidelines for this area. There is an existing hotel in the neighbourhood, The Holiday Inn, across the road from this planned development however it is significantly set back from the road and is in keeping with height restrictions and precedents of the neighbourhood and respects the general quiet residential feel of the area. There is no precedent in Crystal Harbour that allows for such large and dense structures which will effectively tower over neighbouring homes and which will impose on their quiet enjoyment and privacy. The increase in traffic due to the level of condensing of units into this plot of land will have a detrimental effect on traffic flows and continuing damage to existing estate roads, which were not built for and are not conditioned for such heavy traffic. This is both in the short term as the property is being built but also in the long term with increased density on such a small piece of land. We also have reservations based on our understanding of the developer's history with previous developments, i.e. that what is submitted to planning will not be adhered to, to the detriment of neighbouring properties and the environment.

Many thanks.

Ian Jamieson and Tanya Jamieson  
Owners of Block 17A Parcel 318

## Popovich, Nicholas

---

**From:** Department of Planning  
**Sent:** Tuesday, January 4, 2022 9:58 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170REM1

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**From:** Gonzalo Jalles [mailto:gjalles@gmail.com]  
**Sent:** Monday, January 3, 2022 1:42 PM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170REM1

Dear Director of Planning,

Re: Objection to **PROJECT NO.P21-1260**, Block 17A Parcel: 170REM1

My name is **Gonzalo Jalles**, co-owner of Block and Parcel: **17A 85** in Crystal Harbour.

I would like to object to the proposal of the plan for Block 17A Parcel: 170REM1 on the following grounds:

1. Hotel tourism allows 5 stories or 65' heights in general hotel Tourism areas and only In HT zone 1. This is a neighborhood of 2 stories family homes, for sure this could have not been designated to build above 5 stories and if it was it must be a mistake that should be rectified. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should enforce the developer to inform this to the public and not allow construction above 5 stories that is already completely outside the neighborhood in which is located.
2. The application is incomplete as what has been made available to the public is only a site plan and elevations, No floor plans are shown on this application, neither information required as per below:
  - 2a. A site analysis with information for property size.
  - 2b. Number of units with number of bedrooms
  - 2c. Hotel number of bedrooms.
  - 2d. Number of parking spaces proposed for the hotel and the restaurant. For 13,336 sf of restaurant a developer is required to provide 67 parking spaces. For the Hotel the



developer is required to provide parking as per number of rooms however the analysis has not been provided.

2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.

3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft and not 25 ft as required.

3a. The parking areas proposed on Crighton Drive are outside of the property line, this must not be accepted, the property should self contain its own parking spaces as required by the regulation and there should not be a property that is designated single family residential used for a parking building.

3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.

3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north canal.

4. If variances are requested they have not been mentioned on the notification to the public.
5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

On top of all the above, when we bought our lot many years ago, we specifically asked about the lot in objection and we were told that nothing too big or tall was going to be built as this area is a residential area.

Crystal Harbour is a quiet and family friendly neighborhood with low density, bringing this huge development will be totally against the idea of what it is right now as it will bring a very high density and also cars parked everywhere on the roads (as there is not enough parking space on the proposal considering the amount of units); it will also bring a lot more traffic and danger to the safety we have now for kids to ride bike and walk dogs.

I'm very surprised that an application for a project is accepted by the planning department when so much information about the development is missing.

If there is a separate parking in a separate parcel that should be considered as a separate application, under which is more than clear that a parking building can not be approved in a single family designated parcel.

Given all that is expressed above I strongly encourage you to reject this application which needs to go back to the drawing board.

Sincerely,







## Popovich, Nicholas

---

**From:** Department of Planning  
**Sent:** Tuesday, January 4, 2022 9:58 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170REM1

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**From:** Brooks, Gregory [mailto:gregory.brooks@rbc.com]  
**Sent:** Monday, January 3, 2022 12:32 PM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Cc:** Greg Brooks <gregbrooks@me.com>  
**Subject:** [EXTERNAL] Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170REM1

Dear Director of Planning,

Re: Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170REM1

My name is Gregory Brooks, owner of Block 17A and Parcel 78 in Crystal Harbour.

I would like to object to the proposal of the plan for Block 17A Parcel: 170REM1 on the following grounds:

1. Hotel tourism allows 5 storeys or 65' heights in general hotel Tourism areas and only In HT zone 1 and 2 it permits 10 storeys. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should enforce the developer to inform this to the public.

2. The application is incomplete as what has been made available to the public is only a site plan and elevations, No floor plans are shown on this application, neither information required as per below:

- 2a. A site analysis with information for property size.
- 2b. Number of units with number of bedrooms
- 2c. Hotel number of bedrooms.
- 2d. Number of parking spaces proposed for the hotel and the restaurant.

For 13,336 sf of restaurant a developer is required to provide 67 parking spaces.

For the Hotel the developer is required to provide parking as per number of rooms however the analysis has not been provided.

2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.

3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft and not 25 ft as required.

3a. The parking areas proposed on Crighton Drive are outside of the property line.

61



3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone. 3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north canal.

4. If variances are requested they have not been mentioned on the notification to the public.

5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

Please do let me know if you have any questions.

Yours sincerely,

Gregory Brooks  
916 5848  
PO BOX 1140  
KY1 9006

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This [email] may be privileged and/or confidential, and the sender does not waive any related rights and obligations. Any distribution, use or copying of this [email] or the information it contains by other than an intended recipient is unauthorized. If you received this [email] in error, please advise the sender (by return [email] or otherwise) immediately. You have consented to receive the attached electronically at the above-noted address; please retain a copy of this confirmation for future reference.

## Popovich, Nicholas

---

**From:** Department of Planning  
**Sent:** Tuesday, January 4, 2022 9:58 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170REM1

---

**From:** Rebekah Brooks [mailto:rebekah@candw.ky]  
**Sent:** Monday, January 3, 2022 12:22 PM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170REM1

Dear Director of Planning,

Re: Objection to **PROJECT NO.P21-1260, Block 17A Parcel: 170REM1**

My name is **Rebekah Brooks**, owner of **Block 17A and Parcel 78** in Crystal Harbour.

I would like to object to the proposal of the plan for Block 17A Parcel: 170REM1 on the following grounds:

1. Hotel tourism allows 5 storeys or 65' heights in general hotel Tourism areas and only In HT zone 1 and 2 it permits 10 storeys. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should enforce the developer to inform this to the public.
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  - 2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.
3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft and not 25 ft as required.
  - 3a. The parking areas proposed on Crighton Drive are outside of the property line.
  - 3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.
  - 3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north canal.
4. If variances are requested they have not been mentioned on the notification to the public.
5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant



plots increases the density of the proposed project but again calculations have not been displayed on this application.

Please do let me know if you have any questions.

Yours sincerely,

Rebekah Brooks



## Popovich, Nicholas

---

**From:** Department of Planning  
**Sent:** Tuesday, January 4, 2022 9:58 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170REM1

---

**From:** Nicola Davies [mailto:davies.na57@gmail.com]  
**Sent:** Sunday, January 2, 2022 2:39 PM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170REM1

Dear Director of Planning,

Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170REM1

My name is Nicola Davies, owner of Block and Parcel: 17A Parcel: 159, in Crystal Harbour.

I would like to object to the proposal of the plan for Block 17A Parcel: 170REM1 on the following grounds:

1. Hotel tourism allows 5 storeys or 65' heights in general hotel Tourism areas and only In HT zone 1 and 2 it permits 10 storeys. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should enforce the developer to inform this to the public.
2. The application is incomplete as what has been made available to the public is only a site plan and elevations, No floor plans are shown on this application, neither information required as per below:
  - 2a. A site analysis with information for property size.
  - 2b. Number of units with number of bedrooms
  - 2c. Hotel number of bedrooms.
  - 2d. Number of parking spaces proposed for the hotel and the restaurant. For 13,336 sf of restaurant a developer is required to provide 67 parking spaces. For the Hotel the developer is required to provide parking as per number of rooms however the analysis has not been provided.
  - 2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.
3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft and not 25 ft as required.
  - 3a. The parking areas proposed on Crighton Drive are outside of the property line.
  - 3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.

3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north canal.

4. If variances are requested they have not been mentioned on the notification to the public.
5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

Kind regards  
Nicola Davies

## Popovich, Nicholas

---

**From:** Department of Planning  
**Sent:** Tuesday, January 4, 2022 9:57 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170REM1

---

**From:** Darlee Ebanks [mailto:darlee@candw.ky]  
**Sent:** Sunday, January 2, 2022 1:51 PM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170REM1

Dear Director of Planning,

Re: Objection to [PROJECT NO.P21-1260](#), Block 17A Parcel: 170REM1

My name is [Darlee Ebanks](#) owner of Block and Parcel: [17A 165](#) in Crystal Harbour.

I hereby submit my objection to the proposal of the plan for Block 17A Parcel: 170REM1 on the following grounds:

1. Hotel tourism allows 5 storeys or 65' heights in general hotel Tourism areas and only In HT zone 1 and 2 it permits 10 storeys. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should enforce the developer to inform this to the public.
2. The application is incomplete as what has been made available to the public is only a site plan and elevations, No floor plans are shown on this application, neither information required as per below:
  - 2a. A site analysis with information for property size.
  - 2b. Number of units with number of bedrooms.
  - 2c. Hotel number of bedrooms.
  - 2d. Number of parking spaces proposed for the hotel and the restaurant. For 13,336 sf of restaurant a developer is required to provide 67 parking

64



spaces. For the Hotel the developer is required to provide parking as per number of rooms however the analysis has not been provided.

2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.

3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft and not 25 ft as required.

3a. The parking areas proposed on Crighton Drive are outside of the property line.

3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.

3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north canal.

4. If variances are requested they have not been mentioned on the notification to the public.

5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

I trust you will take my objection into consideration and deny permission for this development.

May you be so kind as to confirm receipt of my email.

I look forward to hearing from you.

Thank you.

Darlee Ebanks

Sent from my iPhone

## Popovich, Nicholas

---

**From:** Department of Planning  
**Sent:** Tuesday, January 4, 2022 9:57 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Objection to project number P21-1260

**From:** gisela gamba [mailto:gisela.gamba@gmail.com]  
**Sent:** Sunday, January 2, 2022 11:15 AM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Objection to project number P21-1260

Dear Director of Planning,

Re: Objection to **PROJECT NO.** P21-1260, Block 17A Parcel: 170REM1

My name is **Gisela Gamba Fernandez**, co-owner of Block and Parcel: **17A 85** in Crystal Harbour.

I would like to object to the proposal of the plan for Block 17A Parcel: 170REM1 on the following grounds:

1. Hotel tourism allows 5 storeys or 65' heights in general hotel Tourism areas and only In HT zone 1 and 2 it permits 10 storeys. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should enforce the developer to inform this to the public.
2. The application is incomplete as what has been made available to the public is only a site plan and elevations, No floor plans are shown on this application, neither information required as per below:
  - 2a. A site analysis with information for property size.
  - 2b. Number of units with number of bedrooms
  - 2c. Hotel number of bedrooms.
  - 2d. Number of parking spaces proposed for the hotel and the restaurant. For 13,336 sf of restaurant a developer is required to provide 67 parking spaces. For the Hotel the developer is required to provide parking as per number of rooms however the analysis has not been provided.

65



2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.

3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft and not 25 ft as required.

3a. The parking areas proposed on Crighton Drive are outside of the property line.

3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.

3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north canal.

4. If variances are requested they have not been mentioned on the notification to the public.
5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

On top of all the above, when we bought our lot many years ago, we specifically asked about the lot in objection and we were told that nothing too big or tall was going to be built as this area is a residential area.

Crystal Harbour is a quiet and family friendly neighborhood with low density, bringing this huge development will be totally against the idea of what it is right now as it will bring a very high density and also cars parked everywhere on the roads (as there is not enough parking space on the proposal considering the amount of units); it will also bring a lot more traffic and danger to the safety we have now for kids to ride bike and walk dogs.

I'm very surprised that an application for a project is accepted by the planning department when so much information about the development is missing.

I hope you take this objection seriously as this proposal is very incomplete.

Sincerely,  
Gisela Gamba Fernandez



## Popovich, Nicholas

---

**From:** Department of Planning  
**Sent:** Tuesday, January 4, 2022 9:57 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: Objection to PROJECT NUMBER -P21-1260 BLOCK 17A- PARCEL 170 REM1

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**From:** R. Steinsky [mailto:[rsteinsky@steinskyenterprises.com](mailto:rsteinsky@steinskyenterprises.com)]  
**Sent:** Sunday, January 2, 2022 9:32 AM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Cc:** R. Steinsky <[rsteinsky@steinskyenterprises.com](mailto:rsteinsky@steinskyenterprises.com)>  
**Subject:** [EXTERNAL] Objection to PROJECT NUMBER -P21-1260 BLOCK 17A- PARCEL 170 REM1

Dear Mr. Pandohie,

Re: Objection PROJECT NUMBER P21-1260, BLOCK 17A PARCEL 170REM1

My name is **Rudolph Steinsky**, co owner of Parcel: **17A30** in Crystal Harbour.

I would like to object to the proposal of the plan for **Block 17A**  
**Parcel: 170REM1** based on the following grounds:

1. Hotel tourism allows 5 storeys or 65' heights in general hotel Tourism areas and only In HT zone 1 and 2 it permits 10 storeys. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should enforce the developer to inform this to the public.
2. The application is incomplete as what has been made available to the public is only a site plan and elevations, No floor plans are shown on this application, neither information required as per below:
  - 2a. A site analysis with information for property size.
  - 2b. Number of units with number of bedrooms
  - 2c. Hotel number of bedrooms.
  - 2d. Number of parking spaces proposed for the hotel and the restaurant. For 13,336 sf of restaurant a developer is required to provide 67 parking spaces. For the Hotel the developer is required to provide parking as per number of rooms however the analysis has not been provided.
  - 2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.
3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft and not 25 ft as required.

66

- 3a. The parking areas proposed on Crighton Drive are outside of the property line.
- 3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.
- 3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north canal.
- 4. If variances are requested they have not been mentioned on the notification to the public.
- 5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

Thank you for your consideration,  
Rudolph Steinsky

## Popovich, Nicholas

---

**From:** Department of Planning  
**Sent:** Thursday, December 30, 2021 4:11 PM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL]

And so it begins

**From:** TC Leshikar (KY) [mailto:tc.leshikar@pwc.com]  
**Sent:** Thursday, December 30, 2021 3:48 PM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL]

Dear Director of Planning,

Re: Objection to **PROJECT NO.P21-1260**, Block 17A Parcel: 170REM1

My name is **TOdon Leshikar**, owner of Block and Parcel: **17A 306** in Crystal Harbour.

I would like to object to the proposal of the plan for Block 17A Parcel: 170REM1 on the following grounds:

1. Hotel tourism allows 5 storeys or 65' heights in general hotel Tourism areas and only In HT zone 1 and 2 it permits 10 storeys. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should enforce the developer to inform this to the public.
2. The application is incomplete as what has been made available to the public is only a site plan and elevations, No floor plans are shown on this application, neither information required as per below:
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  - 2b. Number of units with number of bedrooms
  - 2c. Hotel number of bedrooms.
  - 2d. Number of parking spaces proposed for the hotel and the restaurant. For 13,336 sf of restaurant a developer is required to provide 67 parking spaces. For the Hotel the developer is required to provide parking as per number of rooms however the analysis has not been provided.
  - 2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.
3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft and not 25 ft as required.
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  - 3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.
  - 3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north canal.
4. If variances are requested they have not been mentioned on the notification to the public.
5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed

67



vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

**T.C. Leshikar**

PwC | Partner, Tax

Office: 345-914-8616

Email: [tc.leshikar@pwc.com](mailto:tc.leshikar@pwc.com)

PricewaterhouseCoopers

18 Forum Lane, P.O. Box 258, Grand Cayman, Cayman Islands KY1-1104

<http://www.pwc.com/ky>

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## Popovich, Nicholas

---

**From:** Pandohie, Haroon  
**Sent:** Thursday, December 30, 2021 2:22 AM  
**To:** Popovich, Nicholas  
**Subject:** Fwd: [EXTERNAL] Planning objection

Dear Nick,

Please see below letter of objection.

With kind regards,

Haroon Pandohie, MCRP, MBA, AICP  
Director of Planning  
Department of Planning  
CI Government  
(345) 244-6506

---

**From:** -:\*liz\*:- <cayman\_lizzard@yahoo.com>  
**Sent:** Wednesday, December 29, 2021 11:58 AM  
**To:** haroon.pandohie@gov.ky  
**Subject:** [EXTERNAL] Planning objection

Dear Director of Planning

My name is Elizabeth Lynce and I am a home owner on 17A84.

I am strongly objecting to the application to build 93 residential units, 44 hotel Suites, 9 story hotel, 5 apartment buildings at 7/9 stories, so townhouses, 2 story garage/ storage, 5 residential lots and amenities on blocks 17A145/146/170REM1.

I am concerned on so many levels-

1. Way to many buildings, just too extreme for the area and neighborhood.
2. Way to high- 7/9 feet???? What an eye sore
3. The roads coming in and out can't handle the traffic especially during raining season.
4. This would be our view- we didn't buy and build here to look at that type on ugliness, it's very upsetting to think something like this would pass through planning.

If they did a cute boutique hotel with a few amenities would be one thing but this is just huge, ugly and not needed. Personally knowing the owners I know they live on the coast in South Sound and have a beautiful view- ask them if they'd like their back yard to look to this wall?

Being Caymanian, asking fellow Caymanians, please don't approve this eyesore, let try and ask for more beauty and taste in the things we are leaving behind.

Regards  
Liz

PO Box 32134  
Grand Cayman  
KY1-1208

949-9212



18

19

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## **Appendix C**



November 28, 2021  
Central Planning Authority  
Re: Prisma Development, 17A-170REM1 + 17A-145, 146

The Prisma Project being proposed by Land Ltd. the original developer of Crystal Harbour, is designed to meet the evolving needs of the Crystal Harbour community, the surrounding neighborhoods, and the broader island.

Bringing together a mix of residential offerings, including loft style apartments, townhomes, duplexes, and single-family homes Prisma combines them with a series of intimate commercial, retail, food and beverage offerings woven around an intimate marine basin, all anchored by a Boutique Hotel. Prisma will both create its own community and be a meeting place for the hundreds of families who live within walking distance of the site and currently have little or no public amenities to enjoy

In addition, Crystal Harbour is one of the most active neighborhoods for walking and/or jogging but lacks a safe place for people to gather. The public places in Prisma provide this.

The combination of product offerings also allows for a broad range of purchasers to be part of the community, from singles and young families through to multi-generational households.

Prisma is located on the last large parcel in Crystal Harbour. In order to achieve the correct balance for the Crystal Harbour community, Prisma is designed well below what is allowed under the regulations for this site.

It is, below in height, below in density and exceeds what is required for parking. Despite this it provides what's needed to meet its objective as a focal point for the community, without overwhelming the rest of Crystal Harbour.

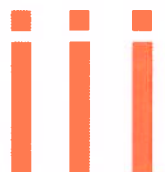
The elements that make up Prisma, have also been carefully positioned to interface appropriately with the surroundings, such as the boutique hotel being situated across from the existing Holiday Inn hotel and away from the residential quays and the Duplexes situated across the canal from similar sized homes

Careful consideration has been given to minimizing vehicular traffic with an emphasis on pedestrian flow and public spaces and incorporating electric transport and shared vehicle approaches. The project has also been designed to embrace the surrounding

CAYMAN ISLANDS  
18 Forum Lane, Suite 5301, 3<sup>rd</sup> Floor  
Camana Bay, Grand Cayman

USA  
210 174<sup>th</sup> Street, Unit 1717  
Sunny Isles Beach, FL 33160

TrioArchitects.com



waters bringing them into the heart of the development surrounded by the pedestrian promenade, bridge and public gardens

Design specifications also emphasize the need to both construct and operate in the most ecologically sustainable way, focusing on renewable options, minimizing water usage, efficient MEP systems and, as stated above, minimizing vehicular requirements.

### **1. Project Location:**

Crystal Harbour is a residential community in the district of West Bay South, and it contains various types of residential structures, varying from canal front Single-Family Homes, Duplexes, Townhomes, and a Hotel. Below are illustrations of these structures:

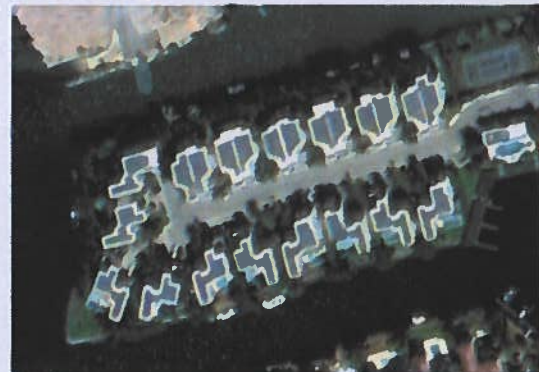
Crystal Harbour:



Single Family Homes:



Duplexes:



Townhomes:



Hotel:





## **2. Site:**

- Block & Parcel: 17A-170REM1 + 17A-145 + 17A-146
- Area: 328,508 Sq. Ft. – 7.54 Acres
- Zoning: Hotel Tourism
- Proposed Use: Hotel, Residential, Commercial

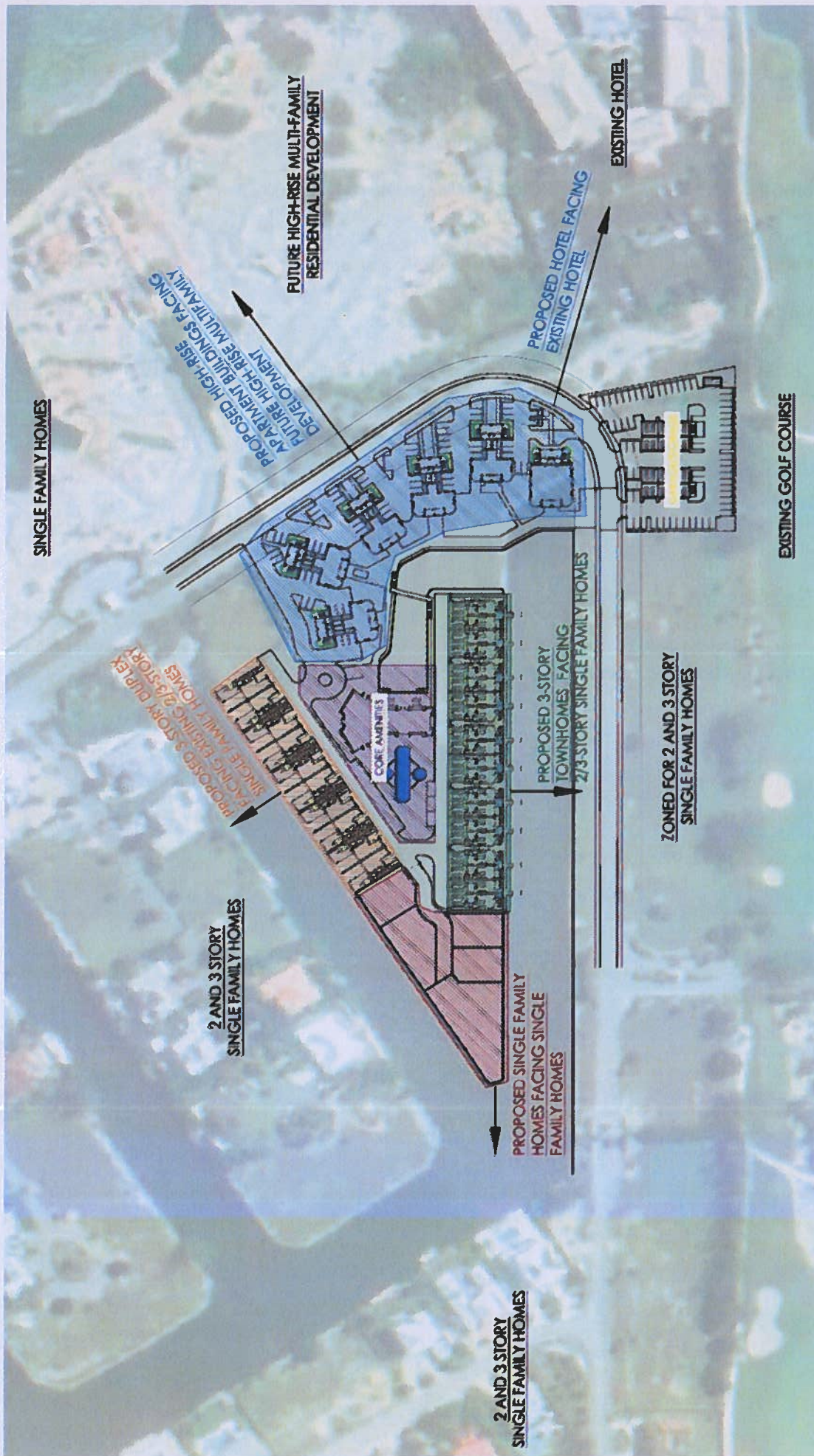
## **3. Project Description:**

Prisma consists of (1) 9-story Hotel, (5) Apartment Buildings (between 7 and 9 stories), (10) 3-story Duplexes, (20) 3-story Townhouses, a 2-story garage/storage building, 5 lots designated for single family homes, and a central amenity structure containing a Signature Restaurant, Café, and an Owner's Lounge, all interconnected via lush, landscaped pathways, courtyards, bridge, and public gardens.

The development proposes a total of 93 residential units and 44 hotel rooms, for a total of 137 units.

## **4. Neighborhood bonding:**

The illustration below shows the symbiotic relationship between the various types of proposed structures and the surrounding environment:



Below please find a detailed description of each structure, and their use:

- Hotel:  
Prisma Hotel is a 9-Story building, with a Lobby/Restaurant on the ground level, **44** Hotel Suites on 8 floors, and a Roof top Bar and pool.
- Apartment Buildings 1, 3 and 5:  
Buildings 1, 3, and 5 are 7 stories, with a 2,019 square feet retail space on the ground level and 10 apartment units each, for a total of **30** units
- Apartment Buildings 2 and 4:  
Buildings 2 and 4 are 9 stories, with a 2,019 square feet retail space on the ground level and 14 apartment units each, for a total of **28** units
- Duplexes:  
There are 5- 3 story Duplex structures containing a total of **10** units
- Townhouses:  
There are 5- 3 story Townhouse structures containing 4 units each, for a total of **20** units
- Lots:  
There are 5 serviced lots for future single-family residences
- Amenities:  
The Amenities structure consists of a 2-story building containing a Signature Restaurant, a Café, an Owner's Lounge, and community pool. The creation of the Marine Basin and related Promenade, footpaths, bridge, and public gardens will enhance the project as well as the surrounding neighborhood's public spaces.  
  
Other amenities will be delivered via community focused commercial retail offerings in the lower levels of the apartment buildings and through the Boutique Hotel
- Garage/Storage:  
The Garage/Storage structure consists of a 2-story building containing 12 covered parking garages on the ground level, and 7,348 square feet of storage space on the second level



## **5. Compliance with Development and Planning Regulations:**

**Zoning:** Hotel/Tourism

**Permitted uses:**

Hotels, cottage colony developments and apartments

**Proposed uses:** complied

**Residential:**

- Hotel, Apartments, Townhouses, Duplexes, Single family homes

**Ancillary & Amenities:**

- Restaurant, Retail, Garage/Storage

**Lot Size:**

Required: 0.5 acre = 21,780 sq. ft.

Provided: 7.5 acres = 328,508 sq. ft. complied

**Site Coverage:**

Allowed: 40%

Provided: 24% complied

**Density:**

**Hotel:**

Allowed: 65 per acre

Provided: 6 per acre complied

**Apartments:**

Allowed: 25 per acre

Provided: 8 per acre complied

**Townhomes:**

Allowed: 25 per acre

Provided: 3 per acre complied

**Duplex:**

Allowed: 3.5 per acre

Provided: 1 per acre complied

**Single Family Homes:**

Allowed: 4.3 per acre

Provided: 1 per acre complied

**Height:**

Allowed: 130' – 10 stories

Provided: 120' – 9 stories complied

**Parking:**

Required: 209

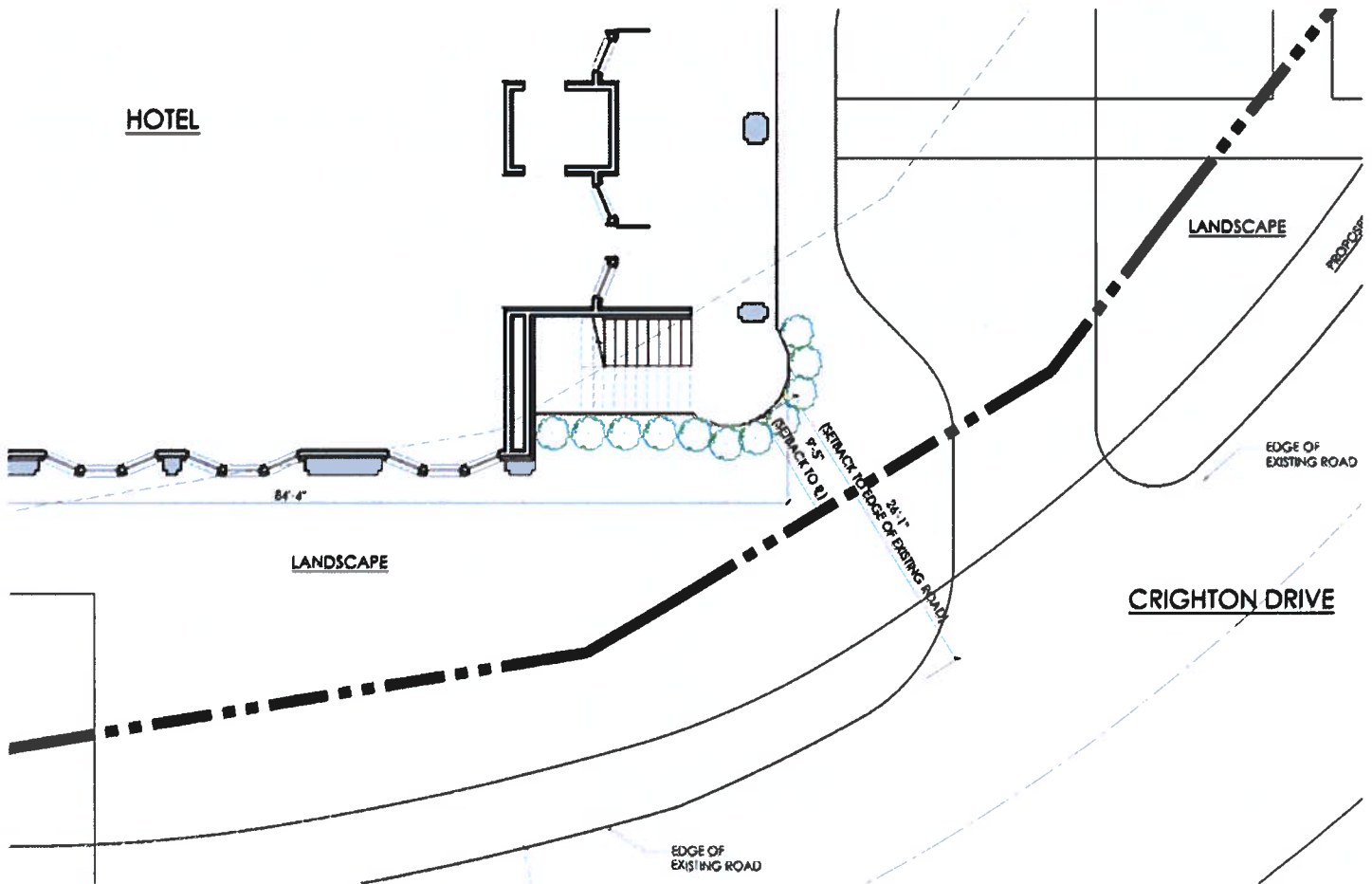
Provided: 223 complied

### **Variances:**

The design of the project underwent a careful, multi-year review and development process, and despite the wide range of elements included was able to achieve its intent with only the 2 variances that are being requested.

On behalf of our client, we are requesting the following variances to be granted:

1. The Southeast corner of the Hotel Building is encroaching on to the front setback by 9'-5". It is important to note that the distance between the existing edge of the road and the proposed building is 26'-1". Please see illustration below:

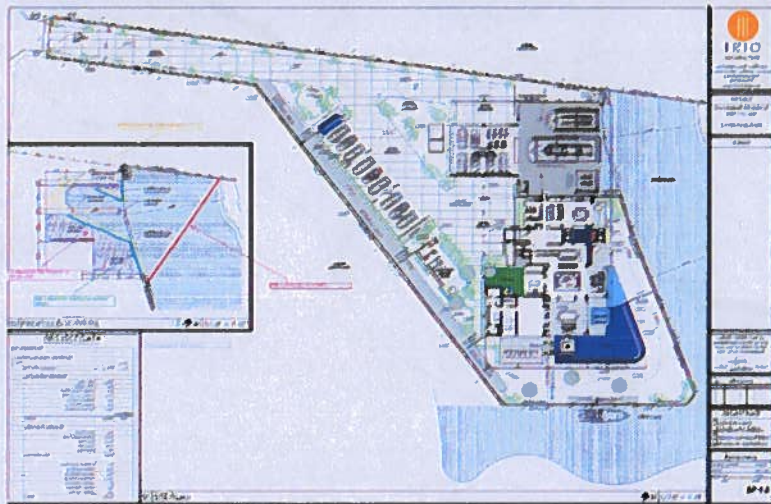


As can be depicted on the sketch above, the following exceptional circumstances apply:

- **8(13)(b)(ii)** unusual terrain characteristics limit the site's development potential.
- **8(13)(b)(iii)** the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare



2. The Duplexes and Townhomes are being proposed along the edge of the existing seawall, encroaching on to the canal setback. **It is important to note the following previously approved projects with similar conditions:**
- a. **Ducharme Residence, located at Diamond's Edge, immediately adjacent to Prisma. The Planning number for reference is P20-0340, which was approved in September, 2020. See below for exact location and details:**





**b. Ritz Deck Houses**



As can be depicted on the descriptions above, the following exceptional circumstances apply:

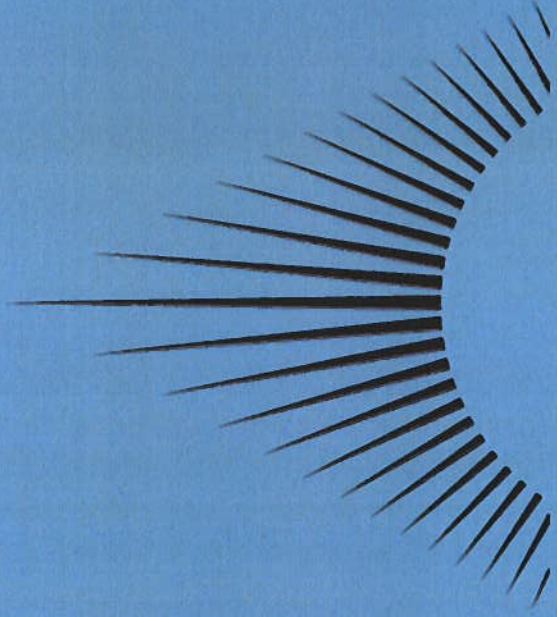
- **8(13)(b)(i)** *the characteristics of the proposed development are consistent with the character of the surrounding area.*
- **8(13)(b)(iii)** *the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare*

The two conditions that trigger the variance request result from the effort to provide the maximum public space within the development.



## **Appendix D**





# P R I S M A

HEART OF THE CRYSTAL

Design Brief — Prepared December 2021

# INTRODUCTION TO PRISMA

Prisma Design Brief

2





## DESIGN VISION

Prisma is a new mixed-use development a located in the Heart of Crystal Harbour.

As the community and the island has grown its requirements have evolved and Prisma is designed to not only meet those of today but create the platform for the future, improving and enhancing both the Crystal Harbour Community and that of the wider Cayman Islands

Prisma is designed to create community by bringing together a wide variety of residential offerings all tied together in a cohesive architectural vocabulary and supported by public amenities that will enhance the lifestyle of the residents and the surrounding Crystal Harbour community.

Although, as stated above, Prisma provides for a wide variety of unit types and services in many smaller buildings, all the elements are tied together with the signature windows and façade elements that create a cohesive architectural statement.



# CRYSTAL HARBOUR



DISCLAIMER: The Renderings and images provided in this design brief are for illustrative purposes to assist in understanding the inspiration and direction of the design of the project but should not be considered as final representations of actual elements to be constructed. For specifics, please refer to plans submitted by the Architect in the standard application filing done 28 November 2021.

# INTRODUCTION TO PRISMA

Since its inception in 1993, Crystal Harbour had a long-term vision to create a community in the heart of the Seven Mile Beach Corridor, bordered by and connecting all elements to the North Sound, a community which would offer a vibrant and varied lifestyle for Cayman. The applicant, Land Limited, is the original developer of Crystal Harbour and the site on which the Prisma project will sit was, from the outset, set aside to be the key parcel to bring to the entire community the type of amenities and services that a mature community would need and want.

This large site, over seven acres, was specifically designated Hotel Tourism to meet these goals, but it needed the community to grow to the point where there was sufficient residential occupation to both need and support the higher levels of service and amenities that this project brings. With over four-hundred homes already existing in the community it has now reached that point.

The overall growth of the Seven Mile Beach Corridor has also necessitated new solutions to create attractive and appealing communities that are not desirable solely for being on the beachfront.

Given its potential and importance to Crystal Harbour and the surrounding communities, the applicant has spent more than five years studying different approaches to create what it feels is the optimal solution for this site.



**PRISMA**  
BY THE SEA, IN THE CITY

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## Introduction continued/...

Prisma is designed to be the heart of Crystal Harbour, an urban oasis that brings residents and the surrounding community together with differing residential types, commercial retail spaces, park/garden areas, a bridge and promenades, all surrounding the marine basin. The design engages with, and connects to, the existing canals and the North Sound, and the basin is headed by a spectacular two-story glass signature restaurant clubhouse area.

In order to achieve its goals, Prisma provides residential options for a wide variety of residents that reflects the changed and changing needs of Cayman. As described more fully below, the project has Lofts for people starting out or downsizing, Townhomes for growing families and Duplexes for larger more established households, all reflecting the surrounding Crystal Harbour community.

All of these residential elements are enhanced and supported under the amenity umbrella of a five-star boutique hotel. A hotel which will bring a new class of accommodation that is greatly needed in Cayman's market.

The commercial/retail areas, located on the ground floors of the Loft towers, are connected to the promenade so that they welcome in the broader community via the many pathways built into the design. They are planned to include such services as a coffee shop, deli/wine bar, gelateria, kinder care, yoga/pilates studio and health center. These are all anchored by the two-story glasshouse featured restaurant at the head of the marine basin, designed to be a magnet for the community and enhance Cayman's growing reputation as the culinary capital of the Caribbean.

The developers have proven experience in designing and executing complex ground-breaking projects that expand what Cayman has to offer and, in doing so, enhance the overall market.



# PRISMA SITE PLAN



[illegible]

**PRISMA**  
IN ACRYLIC



# COMMUNIAL SPACES



PRISMA  
HEART OF THE URBAN

Prisma Design Brief



# PRISMA COMMUNIAL SPACES

As can be seen in the following pages, the landscape plan for the project has been designed to welcome the community into Prisma via multiple access points onto the public promenade. The promenade winds from the parking area in the south along the edge of the marine basin in front the commercial retail areas, around the Glasshouse and back, through landscaped pathways across the signature bridge so there is a natural flow.

Along the way will be many areas, like the pocket gardens and seating areas where people can pause and gather. Steps down into the water connect to the basin and surrounding canals.

The focal point is the Glasshouse, a two-story restaurant and owners club which will feature gastronomy of the highest level and beverages in an environment that will be unique in Cayman.

# PRISMA COMMUNIAL SPACES

## LEGEND

- 1 THE PROMENADE
- 2 PUBLIC COURTYARDS
- 3 PUBLIC GARDENS
- 4 THE PEDESTRIAN BRIDGE
- 5 THE GLASSHOUSE GARDEN

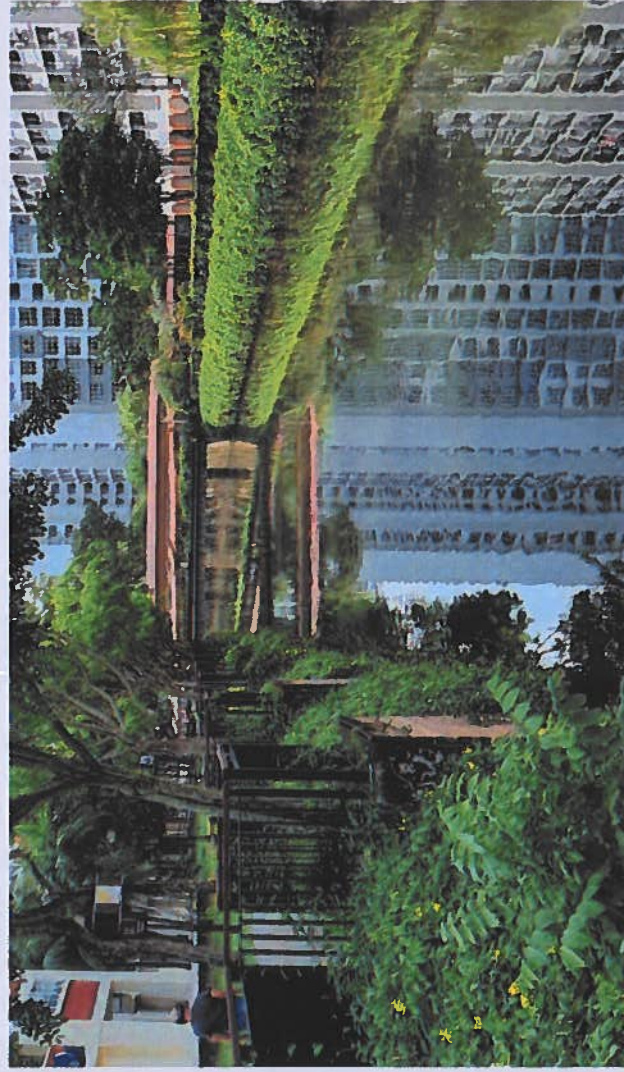


**PRISMA**  
BY ANY OTHER NAME

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# 1 - THE PROMENADE









# 3 - PUBLIC GARDENS









# 5 -THE GLASSHOUSE GARDEN



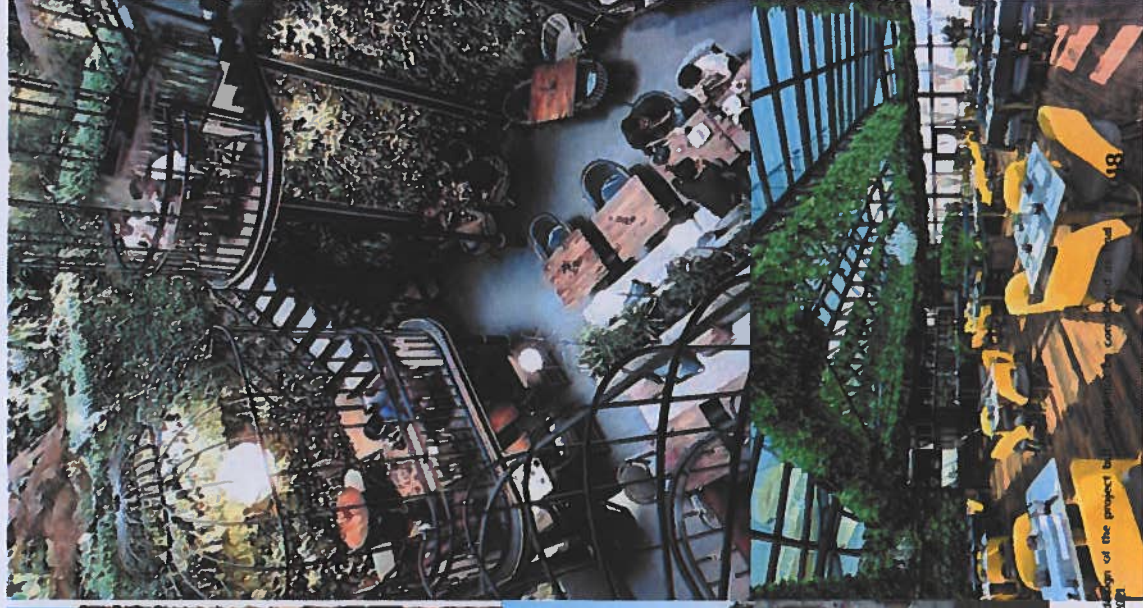
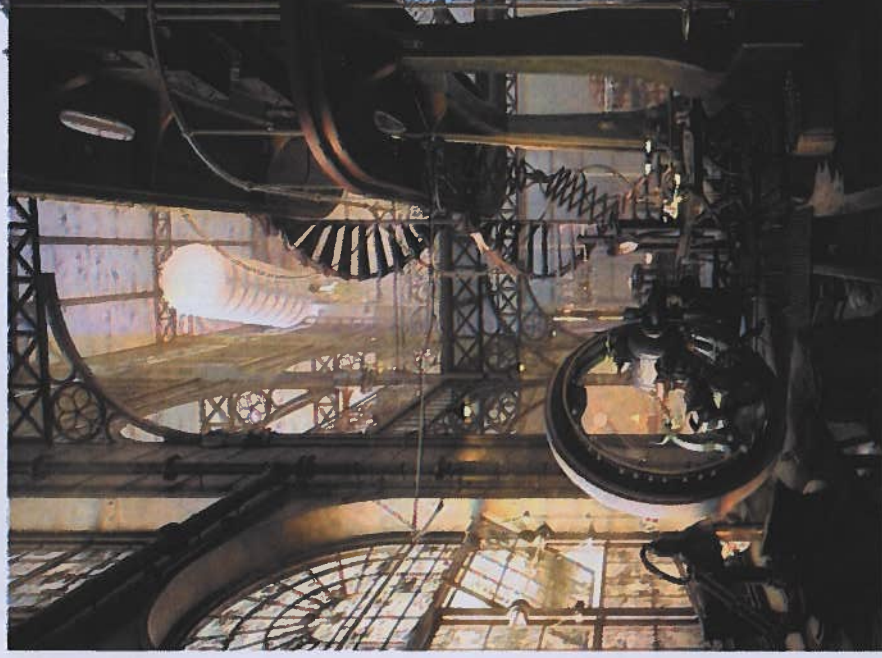


## 6 - COLORFUL LOCAL PLANTING





# GLASSHOUSE



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# PRISMA PARKING

# PRISMA PARKING

Prisma has addressed the challenges normally associated with parking in a number of ways, beginning by taking advantage of the benefits of a plan that is below the height and density allowed to provide more than is required.

Prisma's site also includes a larger parcel of land on the southeast corner dedicated to parking and storage, opening up more areas for public use on the main portion of the site. This parking feeds directly into the promenade providing easy and safe access for owners and community members alike.

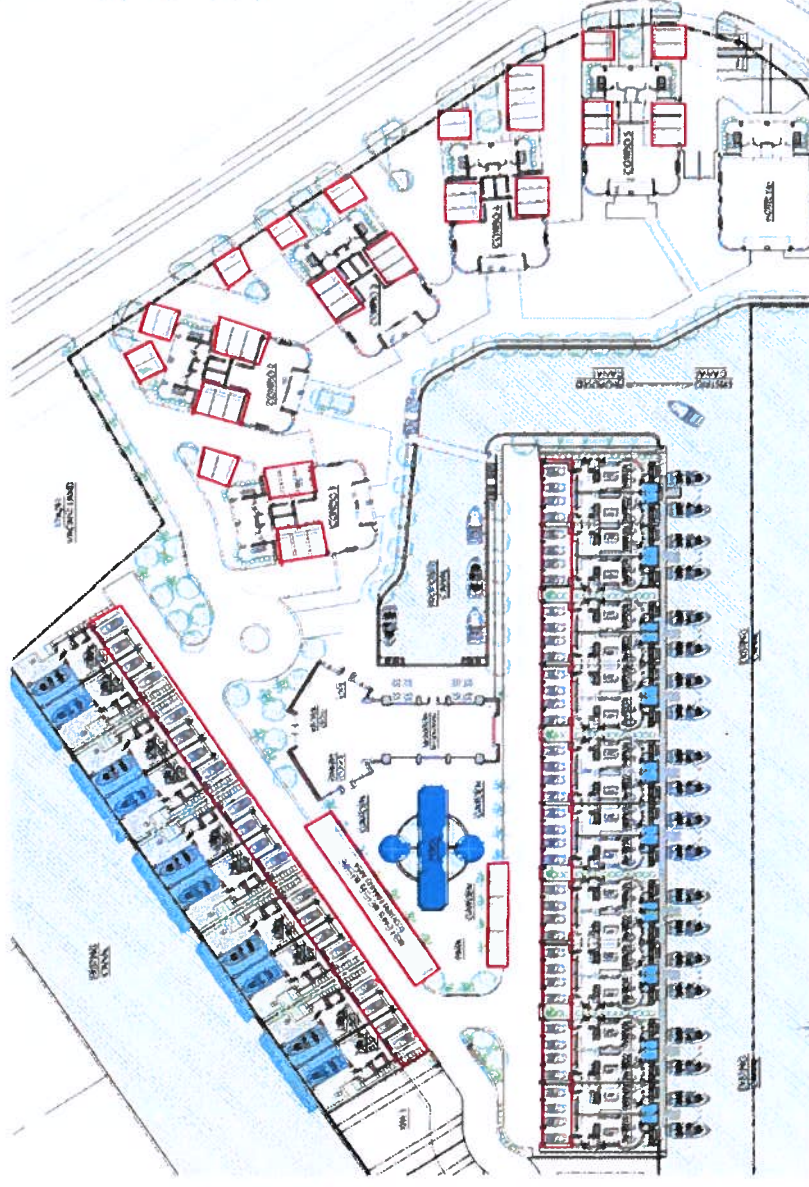
The variety of unit types also allows for decentralized parking with each townhouse and duplex having a minimum of two dedicated spaces directly in front of them.

<b>Parking:</b>	<b>Required: 209</b>	<b>Provided: 223</b>
-----------------	----------------------	----------------------

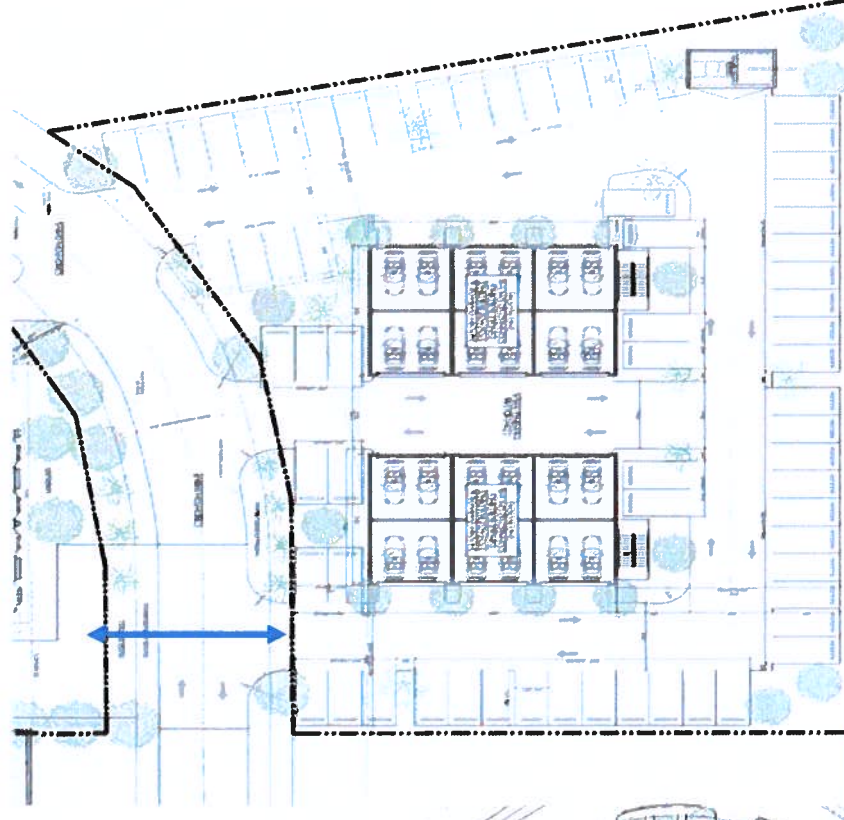


# PARKING

Parking for Residents outlined below



South East Parking  
feeding directly onto the Promenade



PRISMA  
ARCHITECTS

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# GETTING AROUND THE COMMUNITY:

Prisma's design focuses on supporting alternative transport options





# S I T E C O V E R A G E & C O M M U N I T Y I N T E R F A C E

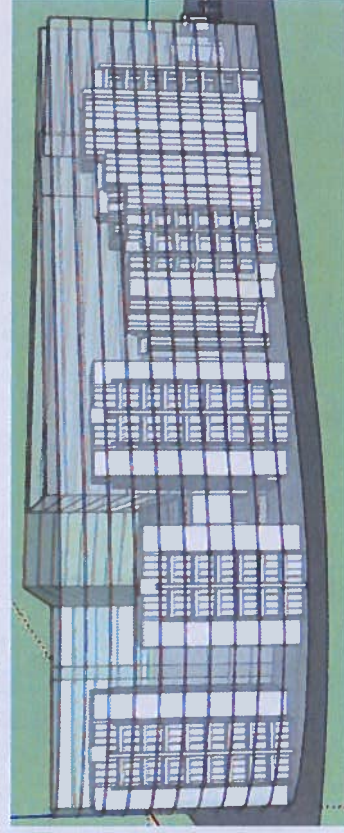
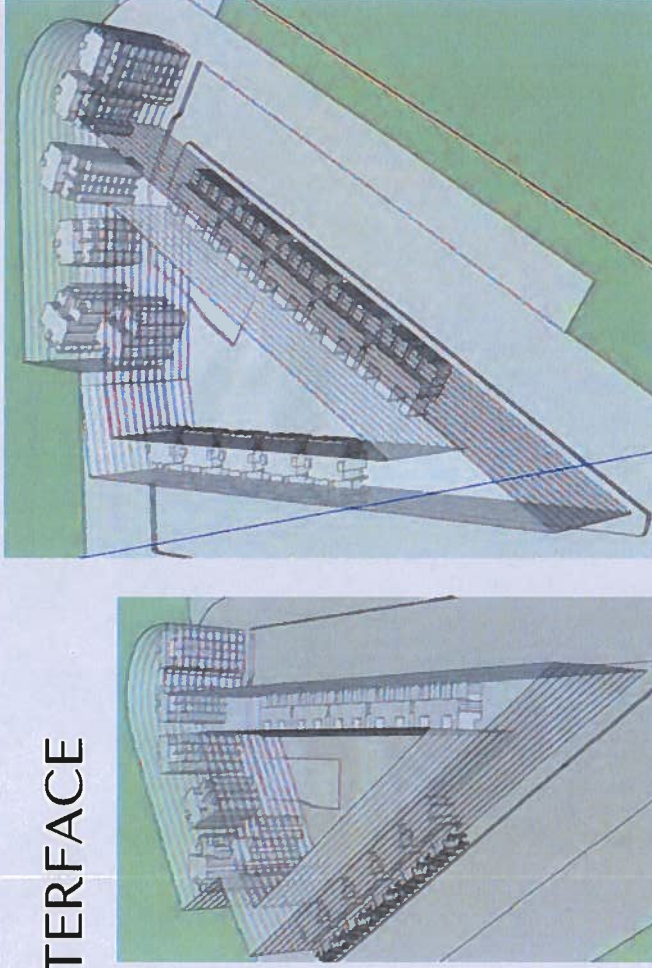


## SITE COVERAGE & COMMUNITY INTERFACE

The 7.54 acre Prisma's site is one of the last large sites in the Seven Mile Beach Corridor and with its unique triangular shape it is surrounded by water with views in all directions.

The full allowance for the hotel tourism zoning on this site is represented in the attached massing studies and the proposed Prisma elements within.

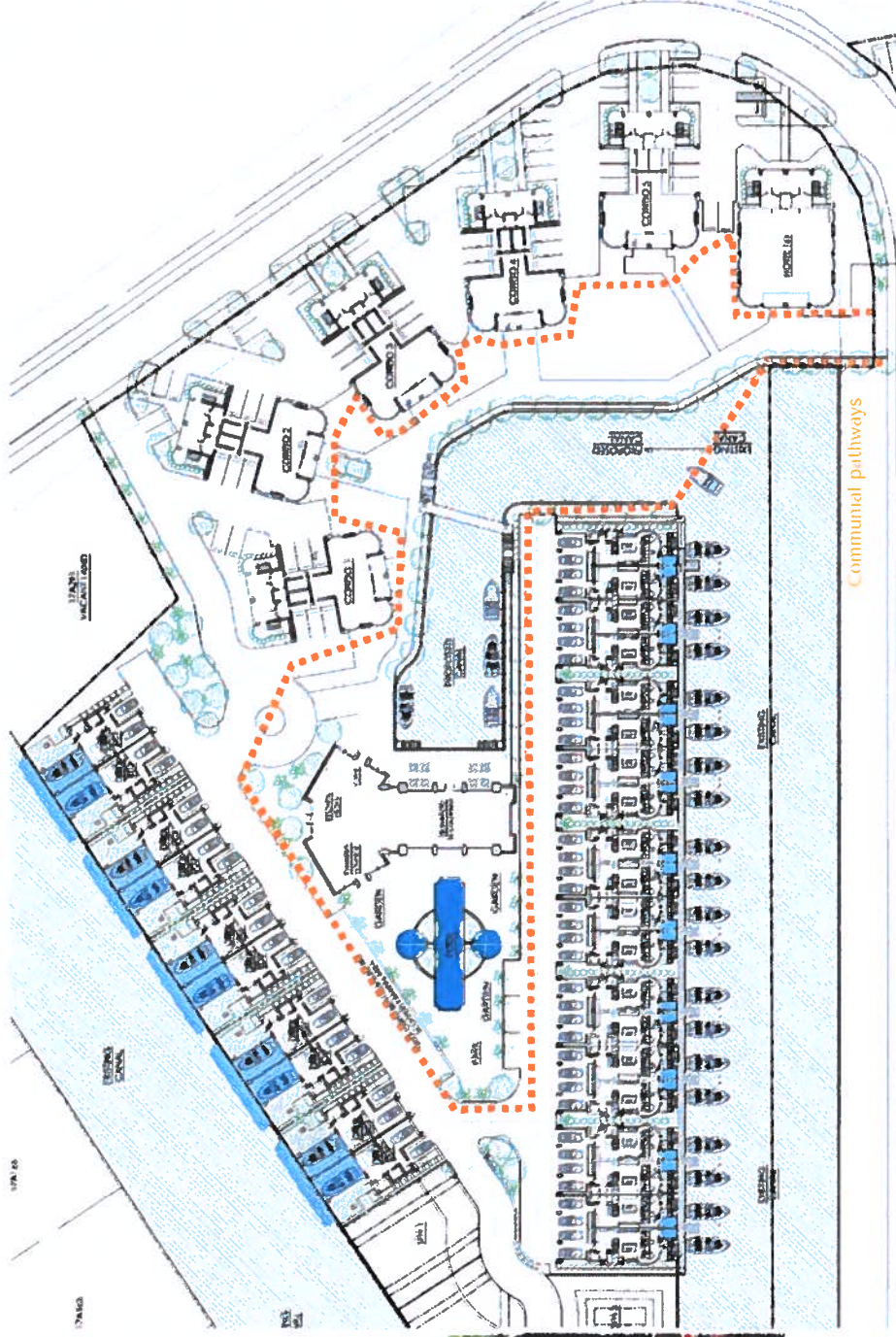
Although, as can be seen in the attached massing studies, the hotel tourism designation allows for significantly more density and additional height, after careful study the elements of the Prisma design were developed to deliver the optimal solution for the project and the Crystal Harbour community while staying below what is currently permitted on the site.





# SITE COVERAGE & COMMUNITY INTERFACE / Cont

The Prisma design brings the surrounding water into the center of the site and maximizes the public space surrounding the Marine Basin.



PRISMA  
BY AND FOR THE CLIENT

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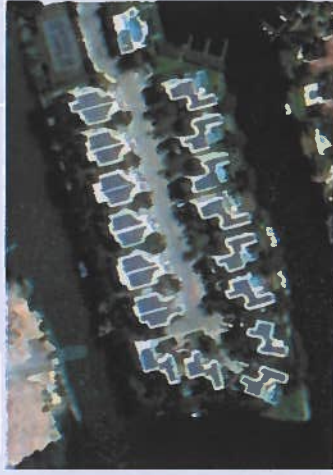
## SITE COVERAGE & COMMUNITY INTERFACE / Cont

In order to match the vision and character of the surrounding community and create distinction between the elements Prisma is designed in a series of small structures containing between two and fourteen units per building. The different building types have been positioned to relate to the surrounding elements, for example the boutique hotel is positioned across from the existing Holiday Inn hotel, the Loft buildings across from the proposed tower and multi-story units of Waterfronts Development Ltd.'s project, and the duplexes across the north canal relating to similar sized residential homes (below are examples of existing properties).

Single Family Homes:



Duplexes:



Crystal Harbour:



Townhomes:

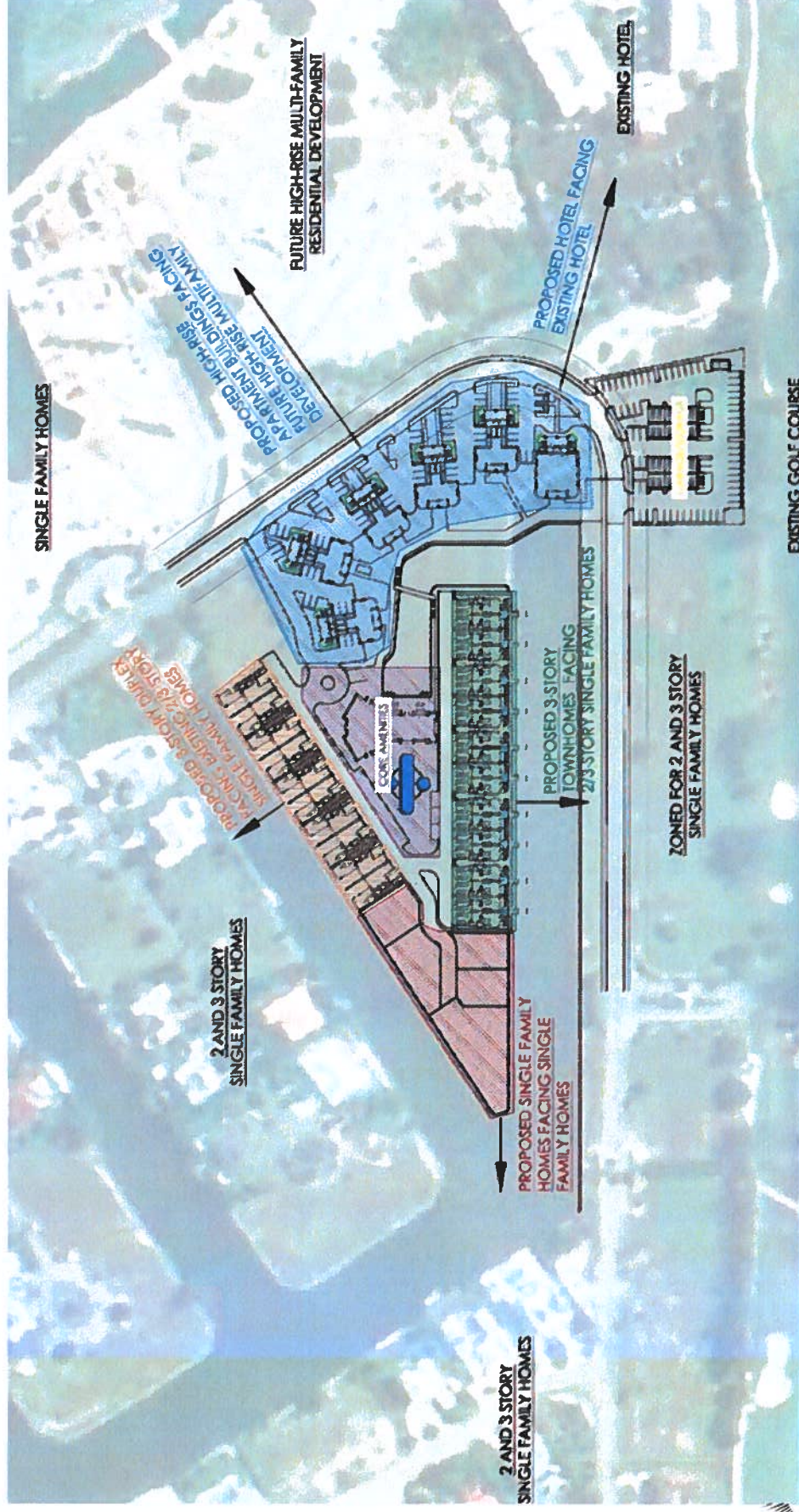


Hotel:





# SITE COVERAGE & COMMUNITY INTERFACE / Cont





# PRISMA PROPERTY OPTIONS

Prisma Design Brief

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PRISMA  
HEART OF THE CRYSTAL

LOFTS

PRISMA is understanding the inspiration and direction of the design of the project but should not be considered as final product in the standard application filing done 28 November 2021

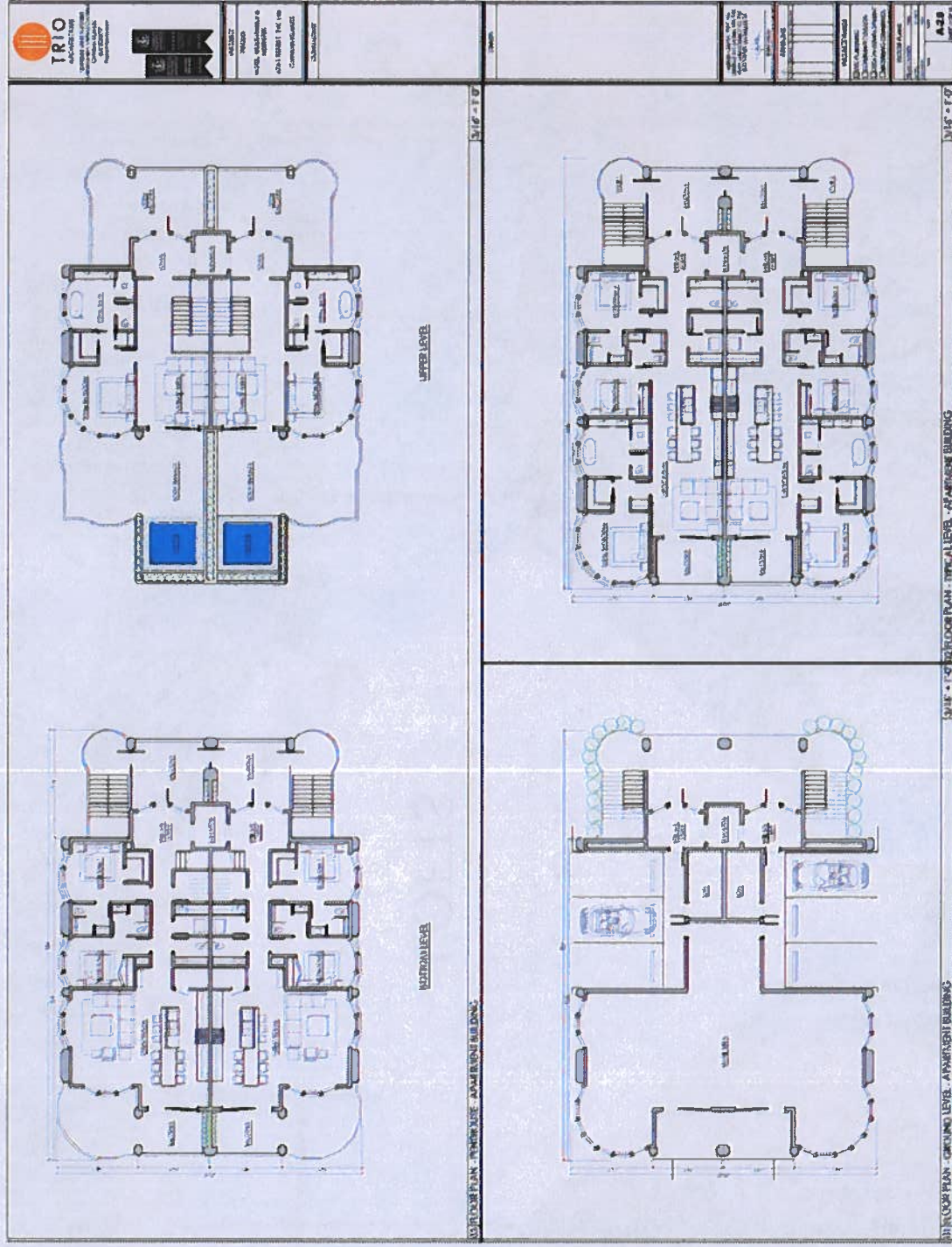
PRISMA is understanding the inspiration and direction of the design of the project but should not be considered as final product in the standard application filing done 28 November 2021



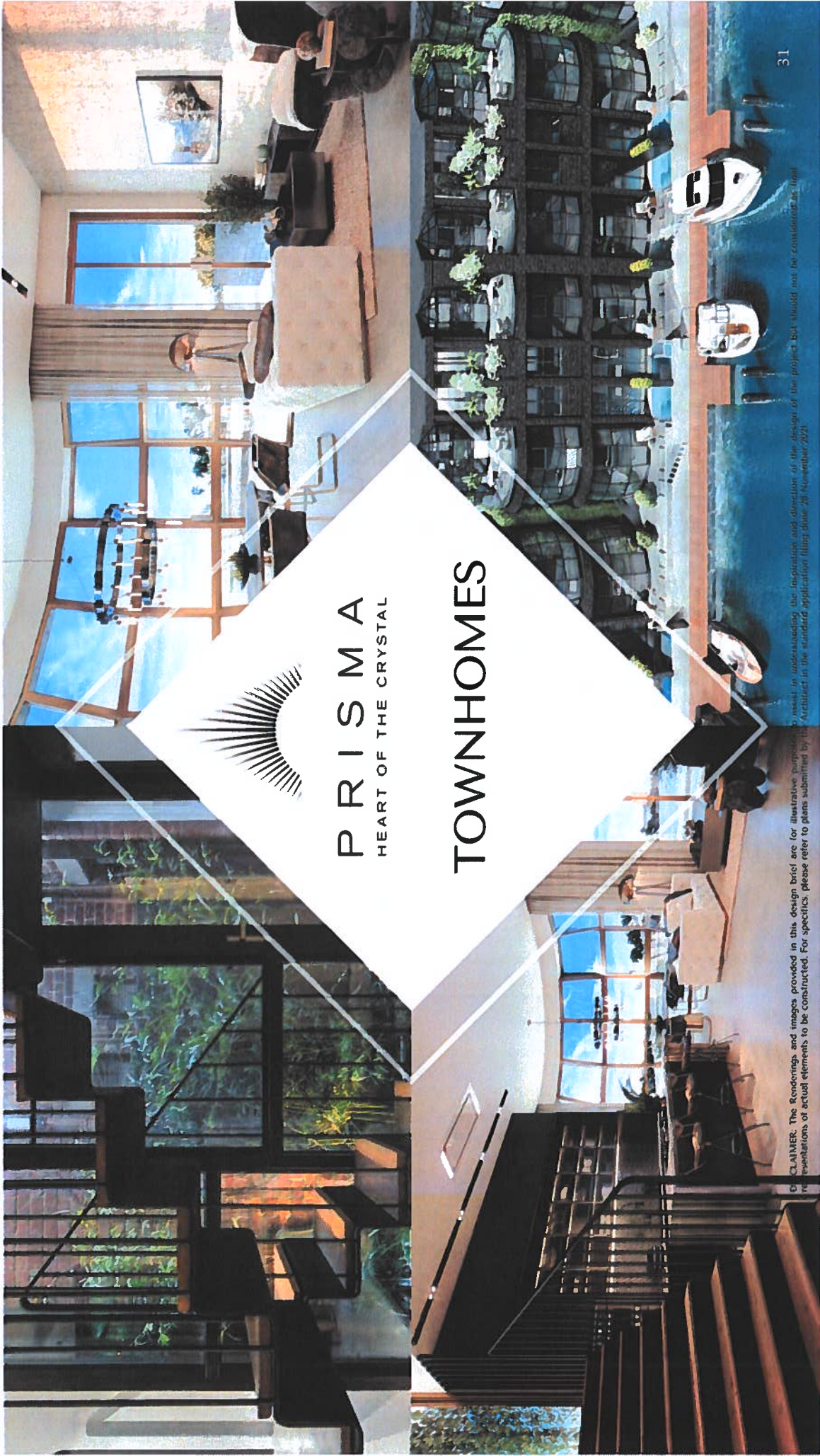
# PRISMA LOFTS

The Lofts are contained in five buildings ranging from 10 to 14 units per building. They are carefully situated to maximize views east and west.

With only two units per floor, using the signature glazing approach, they have extensive natural light with windows on three sides and balconies on both the east and west sides.







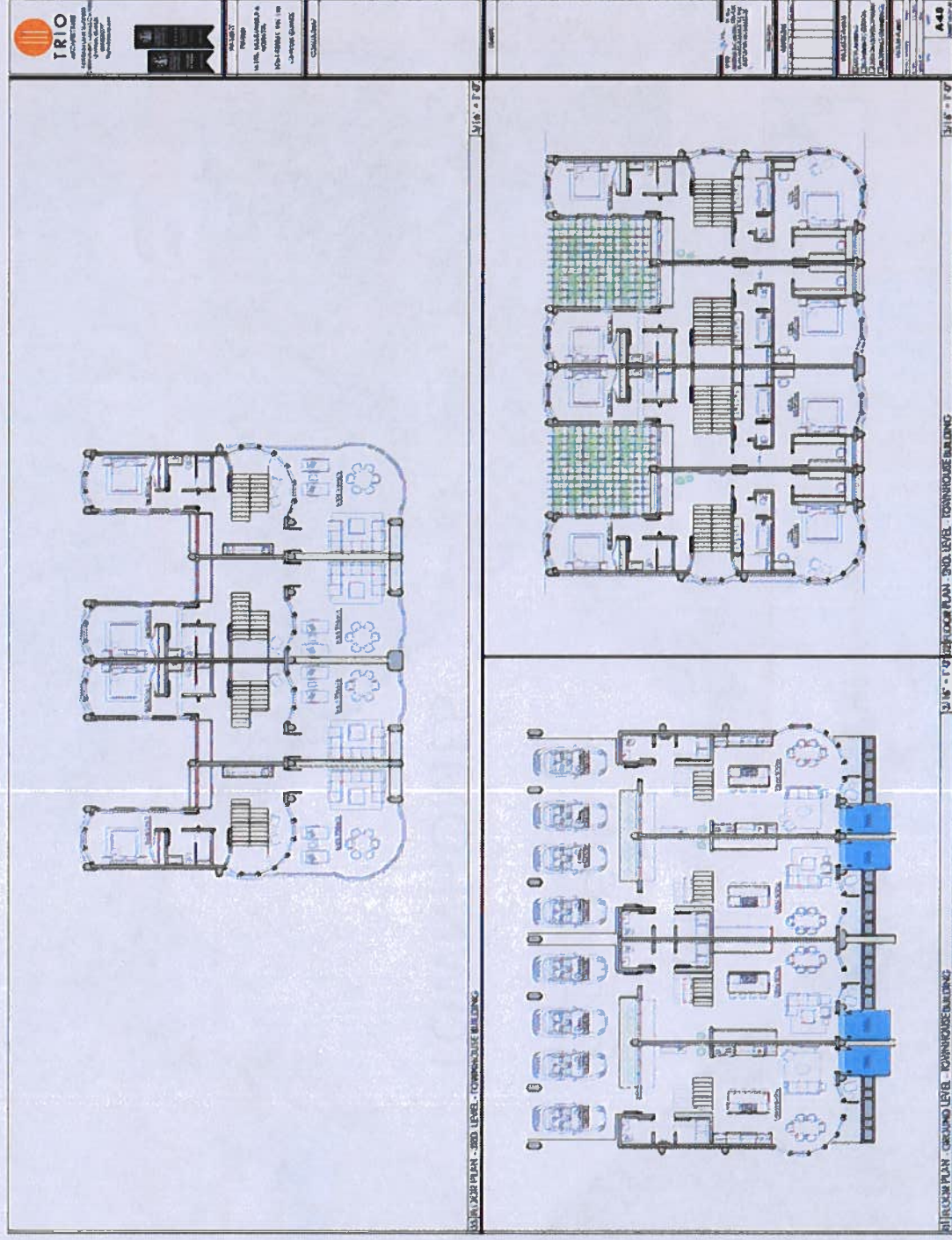
DISCLAIMER: The Renderings and images provided in this design brief are for illustrative purposes only and do not represent the final design. The design is subject to change without notice. The design is not intended to be used for any other purpose without the written consent of the architect. The design is not intended to be used for any other purpose without the written consent of the architect.



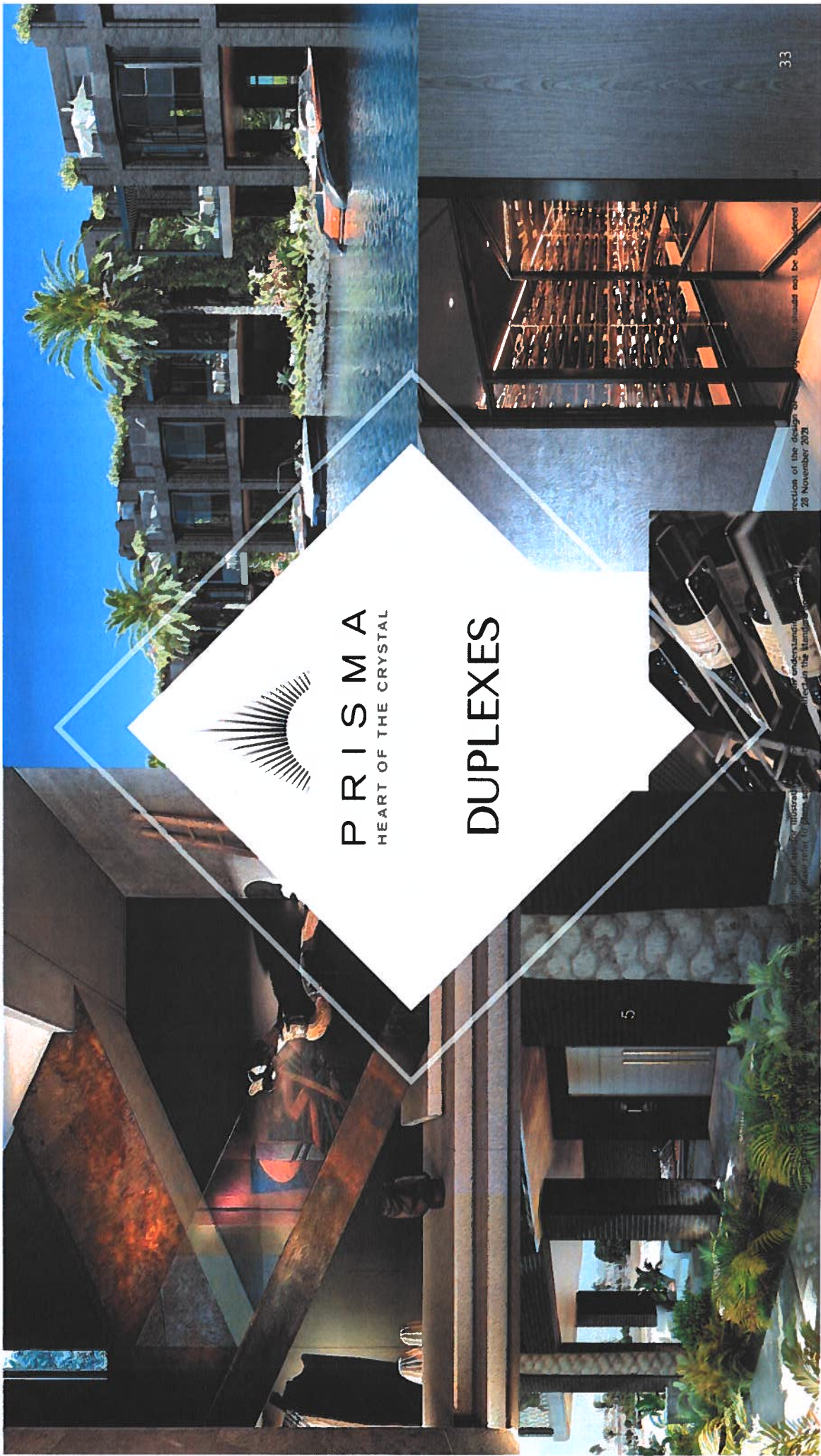
# PRISMA TOWNHOMES

The Townhomes, in five blocks of four units each, connect both to the canal and the marine basin.

Spaced over three floors with the same focus on natural light they provide the next evolution of townhome living.







PRISMA  
HEART OF THE CRYSTAL

DUPLEXES

direction of the design of the building should not be considered  
28 November 2021

on from being used for illustration  
please refer to them as

understanding  
in the building

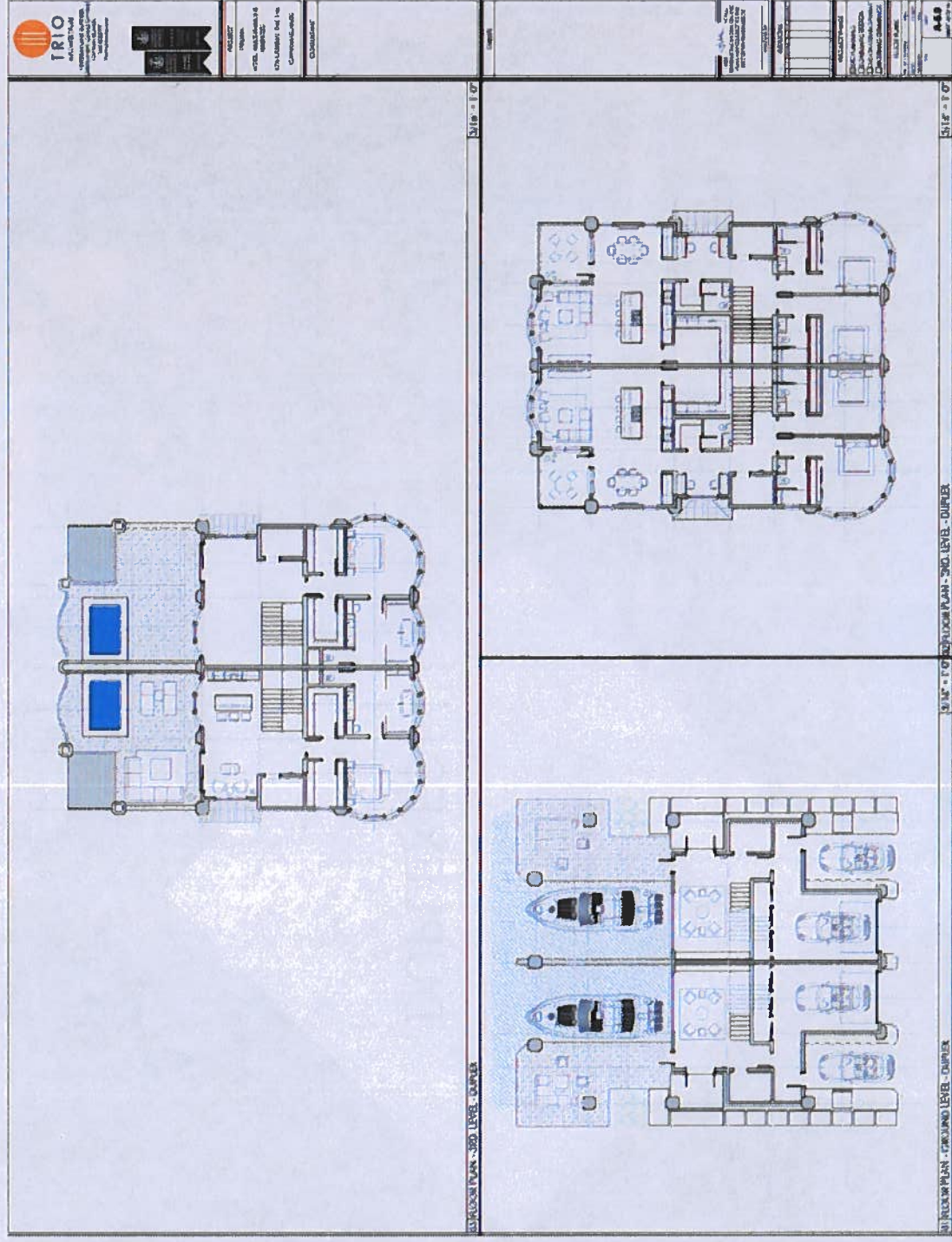
5



# PRISMA DUPLIXES

Oriented towards the north canal the Duplexes speak to the larger homes in that area and provide a unique under-houseboat garage that brings these units into direct connection with the surrounding canals.

With over five thousand feet of living space and private elevators the Duplexes have a unique appeal.



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# PRISMA BOUTIQUE HOTEL

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# PRISMA BOUTIQUE HOTEL

As an international travel and business destination Cayman needs to update its offering in the hospitality market to meet and exceed what is available in its competitor markets.

In recent years, the luxury sector has increasingly moved towards boutique hotels, smaller, more intimate properties, properties with unique character reflective of the locales they are based in.

Covid has accelerated this shift with clients actively seeking smaller properties with less contact and less density.

Prisma's boutique hotel offers an intimate forty-four rooms on top of a stylish reception area and capped by an open-air rooftop pool with a cantilevered glass pool, dining area and spa facilities.

The hotel will attract a new segment of international travelers as well as provide options for medium to longer term stay for people associated with Prisma owners and those in the Crystal Harbour Community.

The hotel will also underpin the amenity offerings spread across the public spaces providing a centralized management and control over the other offerings insuring consistent high-quality delivery.

The success of the hotel should support future hospitality offerings, not necessarily on waterfront locations.

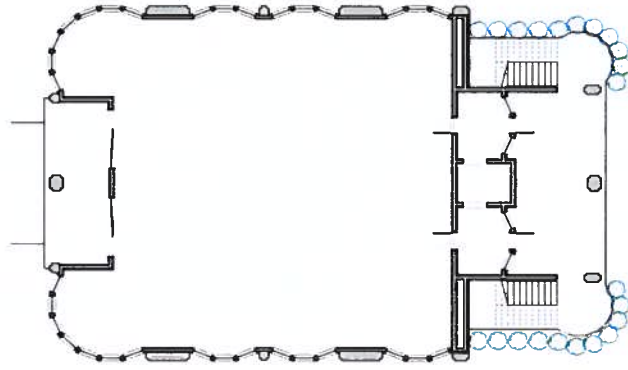
The developers have proven and numerous years of experience delivering the finest hospitality properties in Cayman.



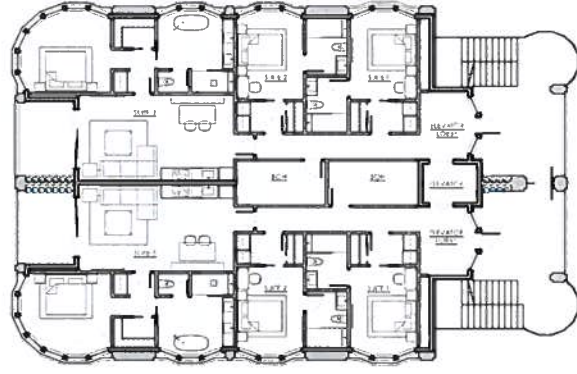
**PRISMA**  
A MEMBER OF THE PRIMA GROUP

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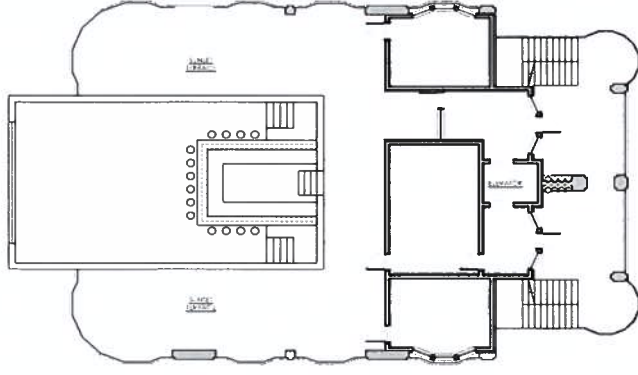
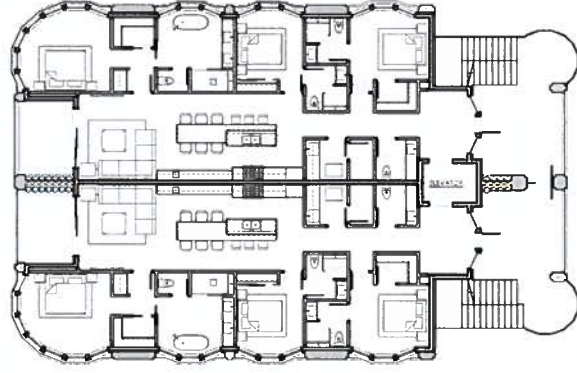
# PRISMA BOUTIQUE HOTEL FLOOR PLANS



Lobby-Ground Floor



Hotel Suites & Rooms



Roof Top Pool & Terrace



**PRISMA**  
DESIGN & CONSTRUCTION

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# BOUTIQUE HOTEL INSPIRATION



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# PRISMA SUMMARY

Prisma Design Brief

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# PRISMA SUMMARY

Prisma is a key step in the evolution of Crystal Harbour and the Seven Mile Beach Corridor. Providing new and varied accommodations to meet emerging needs and blending them into a community with a new level of service and amenities.

Prisma will deliver this on an existing parcel, connecting to existing canals and without the need to impact any pristine or untouched areas. Prisma's design achieves its goals while staying below what is currently permitted on the site.

The layout of Prisma's elements are positioned to correspond with the areas of similar use on the surrounding sites.

Prisma is focused on engaging the surrounding community, providing the maximum public space and the widest array of services and amenities.

Prisma is designed to minimize environmental and vehicular traffic, promoting sustainable approaches along with new modes of transport.

<b>ZONING:</b>	Hotel/Tourism	<b>DENSITY:</b>	
<b>Permitted uses:</b>	Hotels, cottage colony developments and apartments	<b>Hotel:</b>	Allowed: 65 per acre Provided: 6 per acre <i>Compliant</i>
<b>Proposed uses:</b>	<i>Compliant</i>	<b>Apartments:</b>	Allowed: 25 per acre Provided: 8 per acre <i>Compliant</i>
<b>Residential:</b>	Hotel, Apartments, Townhouses, Duplexes, Single family homes	<b>Townhomes:</b>	Allowed: 25 per acre Provided: 3 per acre <i>Compliant</i>
<b>Ancillary &amp; Amenities:</b>	Restaurant, Retail, Garage/Storage	<b>Duplex:</b>	Allowed: 3.5 per acre Provided: 1 per acre <i>Compliant</i>
<b>Lot Size:</b>	Required: 0.5 acre = 21,780 sq. ft. Provided: 7.5 acres = 328,508 sq. ft. <i>Compliant</i>	<b>Single Family Homes:</b>	Allowed: 4.3 per acre Provided: 1 per acre <i>Compliant</i>
<b>Site Coverage:</b>	Allowed: 40% Provided: 24% <i>Compliant</i>	<b>Height:</b>	Allowed: 130' – 10 stories Provided: 120' – 9 stories <i>Compliant</i>
		<b>Parking:</b>	Required: 209 Provided: 223 <i>Compliant</i>

## **Appendix E**



17 January 2022

Land Limited  
PO Box 1106  
Grand Cayman KY1-1106  
Cayman Islands

Dear Sir:

**RE: USE OF BLOCK 17 A - PARCEL 373**

Land Limited, owner of Block 17A - Parcel 373 do hereby grant to Land Limited owner of Block 17A - Parcels 17OREM1, 145 and 146 the right to use the section of Block 17A - Parcel 373, as further described and outlined in yellow in the attached survey, for the construction of such sidewalks, curbs, parking spaces and structures as are necessary for its planned development know as Prisma on these parcels.

Yours sincerely

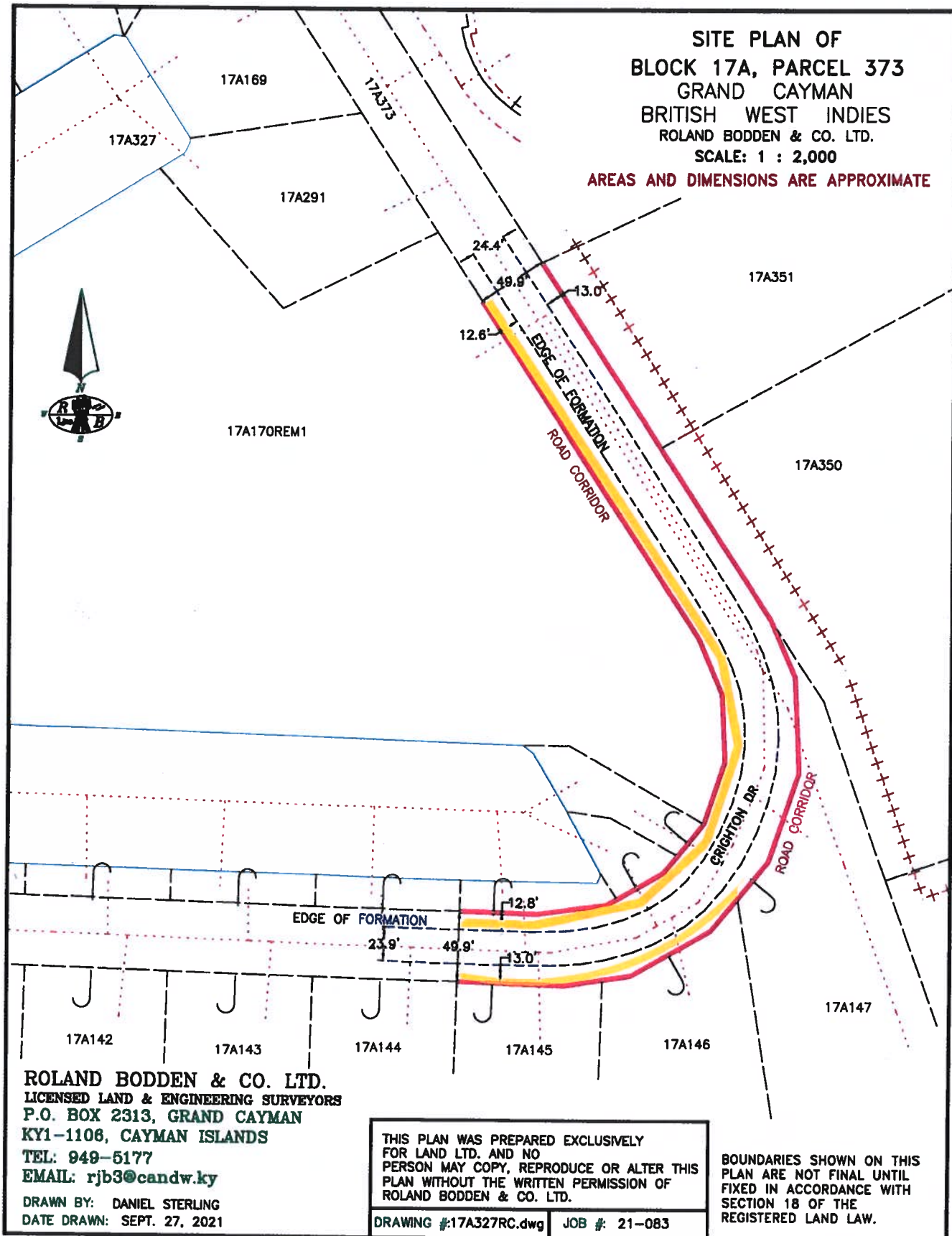
For and on behalf of Land Limited

  
Dale Crighton  
Director

**SITE PLAN OF  
BLOCK 17A, PARCEL 373  
GRAND CAYMAN  
BRITISH WEST INDIES  
ROLAND BODDEN & CO. LTD.**

**SCALE: 1 : 2,000**

**AREAS AND DIMENSIONS ARE APPROXIMATE**



**ROLAND BODDEN & CO. LTD.**  
LICENSED LAND & ENGINEERING SURVEYORS  
P.O. BOX 2313, GRAND CAYMAN  
KY1-1106, CAYMAN ISLANDS  
TEL: 949-5177  
EMAIL: rjb3@candw.ky

DRAWN BY: DANIEL STERLING  
DATE DRAWN: SEPT. 27, 2021

THIS PLAN WAS PREPARED EXCLUSIVELY  
FOR LAND LTD. AND NO  
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PLAN WITHOUT THE WRITTEN PERMISSION OF  
ROLAND BODDEN & CO. LTD.

DRAWING #: 17A327RC.dwg

JOB #: 21-083

BOUNDARIES SHOWN ON THIS  
PLAN ARE NOT FINAL UNTIL  
FIXED IN ACCORDANCE WITH  
SECTION 18 OF THE  
REGISTERED LAND LAW.



## Appendix ‘B’

The Chairman,  
C/O Executive Secretary,  
Central Planning Authority,  
Government Administration Building  
Elgin Ave, George Town  
Grand Cayman, Cayman Islands

March 28, 2022

Dear Sir,

**LEGAL SUBMISSIONS - Prisma Development – Block 17A, Parcels 170REM1, 145 and 146**

As you are aware, we act on behalf of the Applicant in the captioned matter, which was adjourned by the CPA on the 9<sup>th</sup> February, 2022, as a result of certain matters being raised late in the day by the Planning Department with regard to the status of the canal and applicable zoning requirements relating to the Hotel building, as well as the presentation at the hearing of written legal submissions by KSG Attorneys-at-Law, on behalf of a number of objectors, which related to the-then proposed hotel element of the development.

Our client has considered its position and the legal issues raised and has decided to not proceed with the hotel element of the development at this time, which obviates us having to address any of the legal arguments raised by KSG in its letter of 9<sup>th</sup> February. Amended plans depicting what is now being proposed have been submitted to the Planning Department and should by now have been distributed to the objectors who have legal standing in this application for their consideration.

We are therefore hopeful that any further legal argument relating to the hotel will be reserved for the future, in the event that our client decides to submit an application for the hotel.

In light of the amended application, these submissions are made in relation to the other matters raised by the Planning Department in their analysis, at page 33 of the CPA Agenda for the adjourned hearing, under the heading “Specific Issues”, regarding the provision of sidewalks and the proposed roadside parking, as well as the two setback variances which are being sought in respect of the proposed residential development on the canal frontage of North and South sides of the development site.

**Roadside Parking and Sidewalks within Road Allowances**

Whilst neither of these two things this should be an issue, since the land comprising the roadways and road shoulder (“road parcels”) is owned by the Applicant, for the sake of record, we will address these matters briefly.



- (i) **Roadside Parking:** The CPA should be cognizant that there are many instances of roadside parking which has been permitted, all over the island. We are not certain what the concern could be, since there is more than adequate space for parallel roadside parking, as well as a sidewalk which can be utilized by everyone in the Crystal Harbour area, without compromising the existing roadway or provision for pedestrian traffic. Indeed, the road reserve was created with this express purpose in mind and is consistent with the use of this reserve by many existing landowners with the Crystal Harbour development.
  
- (ii) **Sidewalks within the “road allowance”:** As regards the NRA recommendation that the CPA should require sidewalks on the development site, which sidewalks they obviously intend to be used by public pedestrian traffic, it is submitted that wherever planning permission is be conditioned so as to require a publicly accessible sidewalk to be located on private land, without any legitimate acquisition of that land, such in fact is tantamount to an illegal acquisition/dispossession of private land and constitutes an unlawful interference with the rights of a proprietor by a public authority, which is constitutionally prohibited. Worst yet, the irony is that typically the basis for the NRA insisting on such an unlawful condition being imposed on planning permission is that the NRA has itself failed in its statutory duty to provide adequate facilities for public pedestrian traffic. However, fortunately, in this instance, since all of the road parcels in Crystal Harbour are privately owned, and, unlike what the NRA has done in many instances with new public roads, the Applicant, who owns the road parcels has reserved adequate land along the side of the roadway so as to be able to place sidewalks (as well as roadside parking) along the side of the existing roadway, as that area was always intended for that purpose. That being the case, there is no need or justification for locating the sidewalks inside the boundaries of the development site, which will at some point become privately owned strata common property.

#### Combination of Parcels

Again, this is not an insurmountable issue, as the CPA can simply do what it has done in countless cases and grant permission subject to a condition precedent that the parcels must be combined prior to commencing construction of any buildings.

#### Setback Variances for Townhouses and Duplexes

The Townhouses proposed on the southern side of the site are proposed to be located some 4’10” from the physical edge of the canal, rather than the twenty feet required by

Regulation 8 (10) (ae) of the Development and Planning Regulations (2022 Revision). It should be noted that the southern canal is bounded on the opposite side by a narrow sliver of land and then the road parcel, so the nearest neighbouring development would be on the South side of the road and well over 150' away from the Townhouses.

The Duplexes proposed on the Northern side of the site have setbacks from the canal that are reduced from the prescribed twenty feet to 2' 6", albeit only at the upper level of the building, as the ground floor level is set back for a boat slip which is covered by the overhanging second level.

The bases for the two variances being sought have already been outlined by the Applicant's architects in their letter of November 28, 2021, on the statutory grounds set out under regulation 8 (13) of the Development and Planning Regulations (2022 Revision).

We would submit that in order to better demonstrate the exceptional circumstances upon which we are making the variance requests, we would first draw the CPA's attention to the stated purpose of setbacks, as set out under Section 2.6 of the Development Plan, Planning Statement, which provides:

*"The provisions for development setbacks are for achieving the following purposes:*

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

We would therefore pray in aid the instruction given by the provisions of Section 2.6 of the Planning Statement and ask the CPA to note that whilst the design of both the townhouses and the duplexes is intended to implement the theme of enhancing amenity and public space whilst enhancing the "waterfront living" theme, the positioning of those two aspects of the development are actually in keeping with the spirit and intent of the zoning requirements and the provisions of Section 2.6.

We would submit that it should be borne in mind in particular that in both instances, the canal is comprised of a 100' privately-owned strip of land which is owned by the Applicant and that, in and of itself, is an exceptional circumstance, since the canal parcel itself provides a buffer with the neighbouring lots, so there can be no valid concern that the



proposed development is too close to the buildings on the lots on the opposite side of the canal. Also, given that the design of the Townhouses and Duplexes is such that the usual ancillary docking features are located further away from the opposite side of the canal, this actually promotes the “buffer” effect between the developments on opposite sides of the canal.

Our client would also like to point out that the positioning of the both the Townhouses and the Duplexes is essential to the ability of the development to provide the extensive public space within the development which is designed to create a safe pedestrian area, with open public spaces, restaurant, amenities and services, which will be open for the use of the entire Crystal Harbour community, and without the requested setback variances the overall functionality of the development would be significantly adversely impacted. In any event, it is submitted that the proposed setback variances conform to the spirit and achieve the intent of the provisions of Section 2.6 of the Development Plan and will not cause harm to any material planning interest.

We would therefore submit that, based on the exceptional circumstances outlined above, there is good and sufficient reason to grant the variances sought for the canal frontage setback.

Respectfully Submitted,

---

JacksonLaw