

**2. 6 CAYMAN SHORES DEVELOPMENT LTD. Block 12D Parcel 101 (FB91-0385) (P17-1088) (\$10 million) (CS)**

Application for a 195' extension to an approved underpass.

**Appearance at 2:30**

**FACTS**

<i>Location</i>	West Bay Road, West Bay Beach South
<i>Zoning</i>	<b>N COM</b>
<i>Parcel Size</i>	23.5 acres
<i>Current Use</i>	Public Road
<i>Proposed Use</i>	Underpass
<i>Building Size</i>	13,213 sq. ft.

**BACKGROUND**

February 1, 2017 (CPA/03/17; Item 2.5) - The Authority granted planning permission for a 400 linear foot underpass over West Bay Road.

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

1. Suitability.
2. Pedestrian connectivity and safety.
3. Whether to require a regional stormwater management plan.
4. NRA's comments.
5. NCC's comments.

**AGENCY COMMENTS**

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

**National Roads Authority**

*“As per your memo dated September 18th, 2017 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

*The NRA Board considered the above application at its most recent meeting held on October 4th, 2017. The NRA Board recommends that the CPA reflect upon the below points when making its decision;*

1. *The existing tunnel on West Bay Road is inherently restrictive to both pedestrians and large pieces of equipment traversing north and south bound; both during and after construction. This is evidenced by a large tree becoming*

*stuck in the existing tunnel on the ETH as a result of the low height clearance as well as the many reports of pedestrian conflicts and near misses experienced during this current construction phase of the WB Road Tunnel.*

2. *There is no conclusive justification for the tunnel extension being deemed necessary or appropriate; the proposed future development plans provided offer very little indication of timelines and scheduled construction dates and it appears as if these plans are subject to change as future acquisitions become a reality.*
3. *Under Section 13.(1) (b) & (c) of the Development and Planning Law (2017 Revision),*

*“development” means the carrying out of building, engineering or other operations in, on, over or under any land, the making of any material change in the use of any building or land, or the subdivision of any land, except that the following types of development shall not require planning permission but shall be subject to all other provisions of the Law and regulations made under the Law, including the Building Code Regulations, namely – (b) the carrying out by a highway authority of any works required for the maintenance or improvement or improvement or widening of a road and; (c) the carrying out, with the approval of the Managing Director of the National Roads Authority by any authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, cables or other apparatus, including the breaking open of any street or other land for that purpose.*

*The NRA based on the above section of the Planning Law and the fact that West Bay Road is a public road under the NRA’s remit question whether the above application is valid and/or whether the ultimate decision to approve the underpass extension should rest with the NRA Board.*

*Ultimately there is no justifiable reason or need to extend the tunnel and the NRA Boards decision is not to approve the application.”*

### ***Department of Environment***

*“Having reviewed the above mentioned application, there are no additional comments at this time. However, the Department reiterates its previous comments from the planning application review dated 14 December 2016:*

*The West Bay Road Underpass proposal should be the subject of a more comprehensive review including a public consultation due to the nature of its impact on traffic, the topography of the area and its scale. It is likely to be visually intrusive to the surroundings including the West Bay Road and also traffic using the proposed underpass road itself. A zone of visibility should be established in order to effectively assess the impact on visual receptors, either negative or positive, particularly of the concrete superstructure of the road underpass. The appearance of the structure should also be better illustrated through the use of artist’s impressions or computer 3D modelling. The impact of artificial lighting installed on the structure should also be assessed from the*

*perspective of the surrounding receptors, especially street lighting on the east-west boulevard over the road underpass.”*

### **Water Authority**

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

- All road works in areas where Water Authority’s wastewater infrastructure exists requires prior consultation and approval with Water Authority’s Engineering Department.*
- The developer is required to notify the Water Authority’s Engineering Department (949-2837 ext 3000) at the earliest stages of planning for built development to be advised of the site-specific requirements for connection.”*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is to construct a 195 linear foot extension to an underpass over West Bay Road.

### **Development Plan**

The Development Plan 1997 Section 3.04 provides the Authority consideration factors when considering proposals in the Hotel/Tourism zone.

(b) ensure that all development enhances the quality and character of the Cayman Islands’ hotels and cottage colonies;

(c) prevent the over-development of sites and to ensure that the scale and density of development are compatible with and sensitive to the physical characteristics of the site;

The Authority is recommended to consider whether a longer tunnel, along the Island’s main tourism corridor, supports or detracts from the tourist experience and draw.

### **Zoning**

The property is located within a proposed extension of the Cayman Shores PAD Phase 2. The development site lies within one transect: High Density Centre (SD1).

### **Specific Issues**

#### **a) Timing of Application**

In early 2015, the applicant made a presentation to Department staff outlining the long-term plan for Block 12D Parcel 101. The plan included elevating the finished grade over the Camana Way alignment and north to Block 12D Parcel 108 to a level comparable to the Esterley Tibbetts Highway realigned tunnel’s finished site grade. Underneath the new ground level would be a parking garage. Above ground development would occur per uses allowed within the Cayman Shores PAD.

The Authority was minded to approve the ETH tunnel and another over West Bay Road, which is under construction. The applicant has provided a sketch of an intended development to occur in this area, but little details are provided outside building pads, pools and landscaping.

The Department questions whether it is suitable to consider the tunnel extension without a concurrent or approved development application for the undeveloped area around and over the tunnel. Although a PAD is approved for this area, it does not guarantee development will occur, which may result in two tunnels that are out of character for this key tourism area of the island. Not to mention, cause visual obstruction along the corridor and disruption of safe pedestrian and bicycle connectivity.

**b) Sustainable Development**

The proposal continues to require a considerable amount of resources compared to the benefit it would provide. Lighting, air ventilation, fill material, and concrete are all required to enclose a portion of a public road.

The Department is not clear as to the benefit of creating such infrastructure considering the amount of land available for development in this corridor and there are less intrusive options available that can maintain the unique characteristic of the Cayman Islands.

The Department is also not clear as to how this development will improve traffic circulation for vehicles, pedestrians, or bicyclists – all of which are heavy users in this corridor. Rather it requires pedestrian and bicyclists to either climb an incline, which can prove difficult for people using strollers or with mobility issues, or travel in an enclosed environment with vehicles, thereby increasing their exposure to exhaust fumes or travel an incline.

Typically road tunnels are proposed to lower traffic congestion in high-dense districts, to revitalize distressed downtowns, or to enhance public benefit such as expanding parks and trails. The Department questions whether the Seven Mile Beach Corridor suffers from such ailments to justify extending an approved tunnel, especially one not purposed to benefit a public need.

**c) Proposed Finished Site Grade**

The proposal includes a 195' extension to an approved tunnel enclosure over West Bay Road where proposed top of roof grade will be 30' above existing road grade.

West Bay Road's existing grade is at 4'. The site grades to the west range from 4' to 11'. To the east, the grades range from 4' to 7'.

To the south of the tunnel extension is Island Pines (2-storey), and West Shore Centre (1-storey). The north is The Sovereign (3-storey), Burger King and Esso Gas Station (1-storey), Galleria Plaza (1-storey).

To the west and east are lands included in the Cayman Shores PAD Phase 2.

The Authority is recommended to discuss whether creating an artificial site grade, which appears to be intended for future development will be at a higher elevation than the roof heights of adjacent development is appropriate for the Islands, especially as this tunnel will extend within 50' from existing residential development.

**d) Pedestrian safety & connectivity**

As NRA mentions in their comments, to which the Department supports, there are concerns with pedestrian safety at the underpass. During construction, signage is not conspicuous and is often hidden by landscaping, construction fencing or equipment, leading to confusion and unsafe crossing points on West Bay Road.

The application does include a pathway, which replaces the public sidewalk. The pathway will be elevated to cross the top of the tunnel and bring travellers to the other side of the road. The Department has several concerns regarding the proposed pedestrian design:

- Travellers are unable to stay on one side of the road they must cross even if their destination is on the same side as their departure point.
- The pathway traverses into private land.
- The pathway, which replaces the West Bay Road sidewalks, is on an incline, which can prove difficult for people using strollers or with mobility issues.
- The most efficient travel point is walk along the emergency route in the tunnel amongst exhaust fumes, which also detracts from the tourist experience of being on a Caribbean island.

If the Authority is minded to approve this application, the Department requests the Authority to consider the following:

- Require crosswalks with lighting be installed at both tunnel entrances, per NRA guidelines.
- Public right-of-way easements be granted over the walkways that cross into private property.
- Pathway redesigned to not require pedestrian traffic cross to tunnel/road.

**e) Storm Surge and Stormwater Management**

The proposed extension will increase the tunnel length to 595' without any apparent breaks for stormwater to pass through. The Department is concerned how flows from storm surge and heavy rains falls will impact adjacent properties given the large barrier that will be created.

The Authority is recommended to determine if a regional stormwater analysis shall be conducted prior to further consideration.