

# **Central Planning Authority**

**Minutes** for a meeting of the Central Planning Authority held on January 31, 2007 at 10:30 a.m. in the Conference Room, 1<sup>st</sup> Floor, Regatta Office Park – Leeward One (formerly Safehaven).

**3<sup>rd</sup> Meeting of the Year**

**CPA/03/07**

**Mr. Dalkeith Bothwell (Chairman)**

**Mr. Attlee Bodden**

**Mr. Darrell Ebanks**

**Mr. Lyle R. Frederick (absent)**

**Mr. Ernley Hurlstone (absent)**

**Mr. Ray Hydes**

**Mr. Trent McCoy**

**Mr. Rex Miller**

**Mr. Arden Parsons**

**Mr. Eldon Rankin**

**Mr. Owen Rankine**

**Mr. Robert Watler**

**Mr. Fred Whittaker**

**Mr. Kenneth Ebanks (Executive Secretary)**

**Mr. Ron Sanderson (Assistant Director of Planning (CP))**

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

## **1.0 CONFIRMATION OF MINUTES**

### **1.1 Confirmation of Minutes of CPA/01/07 held on January 10, 2007.**

Moved: Rex Miller  
Seconded: Darrell Ebanks  
**Confirmed**

## **2.0 APPLICATIONS**

### **2.1 WILMER BELFOND Block 27D Parcel 173 (F03-0513) (P06-0202) (\$430,263) (BES)**

Application for duplex, pool and an after-the-fact temporary house.

**Appearance at 2:20**

#### **FACTS**

<i>Location</i>	Chariot Drive, Savannah.
<i>Zoning</i>	LDR
<i>Parcel Size</i>	16,117.2000 sq. ft.
<i>Current Use</i>	Shed
<i>Proposed Use</i>	Duplex
<i>Building Size</i>	4,781 sq. ft.
<i>Density</i>	3.3
<i>Allowable Density</i>	2
<i>Footprint</i>	3,644.7 sq. ft.
<i>Proposed Parking</i>	6
<i>Required Parking</i>	3

#### **BACKGROUND**

December 13, 2006 (CPA/39/06; Item 2.1) - CPA adjourned the application to invite the applicant to appear.

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

- 1) The applicant is required to obtain a Building Permit from the Chief Building Control Officer. Construction shall not commence prior to the issuance of a Building Permit.

- 2) Unless specifically authorized otherwise in writing by the Planning Department, the development shall be carried out strictly in accordance with the approved plans, which you will receive when the above condition is complied with.
- 3) The temporary dwelling shall be removed within 12 months or prior to the final Certificate of Occupancy being issued, whichever is the earliest point in time.
- 4) The driveway and parking spaces shall be surfaced with asphaltic concrete or equivalent.

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

The applicant is reminded that the finished floor level should be at least five feet (5') above mean sea level, [i.e. two feet (2') above the Vidal Bench Mark].

**2. 2 EDWARD BODDEN Block 13D Parcel 262 (P06-1075) (DE)**

Request to allow parcel to be transferred while retaining the restriction on title.

**Appearance at 3:20**

**FACTS**

<i>Location</i>	Off Courts Road, part of the "Jack & Jill" Subdivision
<i>Zoning</i>	<b>HDR</b>
<i>Notice Requirements</i>	NA
<i>Advertisements</i>	NA
<i>Current Use</i>	Subdivision
<i>Proposed Use</i>	Subdivision

**BACKGROUND**

August 9, 2006 (CPA/26/06; Item 6.1) - it was resolved to adjourn the applicant's request for the Authority to conduct a site visit.

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

1. The applicant shall provide documentation from a licensed land surveyor showing that the paved road is situated within the dedicated road reserve.

**2. 3 VERNELLA EBANKS Block 28B Parcel 57 (F98-0385) (P06-1357) (\$35,000) (DE)**

Application for after-the-fact storage shed.

**Appearance at 2:50**

**FACTS**

<i>Location</i>	Sparrow Street, off Spotts Newlands Road
<i>Zoning</i>	<b>LDR</b>
<i>Parcel Size</i>	13,503.6 sq. ft.
<i>Current Use</i>	Duplex
<i>Proposed Use</i>	Shed
<i>Building Size</i>	364 sq. ft.
<i>Footprint</i>	364 sq. ft.
<i>Building Coverage</i>	26.39%

**BACKGROUND**

October 4, 2006 (**CPA/31/06; Item 2.22**) – It was resolved to adjourn the application to invite the applicant to appear to discuss concerns regarding the application.

November 29, 2006 (**CPA/37/06; Item 2.12**) - It was resolved to adjourn the application and invite the applicant to appear before the Authority.

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

1. The subject site coverage exceeds the maximum allowable of 25% per Regulation 9(8)(h) of the Development and Planning Regulations (2006 Revision) and the Authority is of the opinion that the applicant did not demonstrate any acceptable reasons why the excessive site coverage should be allowed per Regulation 8(13)(b).

The Authority wishes to remind the applicant of the right to appeal pursuant to section 48(1) of the Development and Planning Law (2005 Revision). Such appeal shall be made by Notice in writing, and referred to as "Notice of Appeal". It shall be signed by yourself or your attorney-at-law and filed along with the prescribed CI\$50.00 filing fee, in the offices of the Permanent Secretary of District Administration, Planning, Agricultural and Housing within the fourteen (14) day period as stipulated in Section 48(1).

Immediately thereafter the appellant shall serve a copy of the Notice of Appeal on the Director of Planning and on all parties who may have filed objections or been heard at the hearing of the application to which the appeal relates. A copy of the Appeal Rules for the Development and Planning Law may be obtained from the Clerk of the Legislative Assembly.

**2. 4 VICTOR EBANKS Block 14BH Parcel 125 (F98-0024) (P06-1769) (\$95,000) (DE)**

Application for a duplex.

**Appearance at 3:50**

**FACTS**

<i>Location</i>	Off Hospital Road, George Town
<i>Zoning</i>	<b>G COM</b>
<i>Parcel Size</i>	.2200 acres
<i>Current Use</i>	Illegal Apartment Units
<i>Proposed Use</i>	Duplex
<i>Building Size</i>	951 sq. ft.
<i>Density</i>	1
<i>Footprint</i>	951 sq. ft.
<i>Building Coverage</i>	3%
<i>Proposed Parking</i>	3
<i>Required Parking</i>	3

**BACKGROUND**

There have been lengthy enforcement proceedings in regard to illegal apartment units on the property.

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

- 1) The applicant is required to obtain a Building Permit from the Chief Building Control Officer. Construction shall not commence prior to the issuance of a Building Permit.
- 2) Unless specifically authorized otherwise in writing by the Planning Department, the development shall be carried out strictly in accordance with the approved plans, which you will receive when the above condition is complied with.
- 3) All existing structures that have been the subject of enforcement proceedings shall be removed from the site prior to the final Certificate of Occupancy being issued.

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

The applicant is reminded that the finished floor level should be at least five feet (5') above mean sea level, [i.e. two feet (2') above the Vidal Bench Mark].

**2. 5 MEOW LTD Block 11D Parcel 36 (FA81-0005) (P06-1494) (\$23,847) (BES)**

Application for free-standing sign.

**Appearance at 1:20**

**FACTS**

<i>Location</i>	Cayman Falls on West Bay Road
<i>Zoning</i>	<b>H/T</b>
<i>Notice Requirements</i>	No Objectors
<i>Height</i>	22'-3"
<i>Sign Size</i>	158 sq. ft.

**BACKGROUND**

December 6, 2006 (**CPA/38/06; Item 2.11**) - CPA adjourned the application to invite the applicant to appear before the Authority.

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

1. Contrary to strategy 1.3 (c) of The Development Plan 1997, the proposed signage does not provide for an appropriate visual image that would improve the commercial areas of the Island, specifically:
  - a) The scale of the sign is excessive and not consistent with the mass of the development existing on the site.
  - b) The Authority is of the opinion that directory style signage is not very effective in drawing customers to a commercial site and merely results in visual clutter. Instead of large monument style directory sign the Authority would encourage a smaller, building/complex identifier sign.

The Authority wishes to remind the applicant of the right to appeal pursuant to section 48(1) of the Development and Planning Law (2005 Revision). Such appeal shall be made by Notice in writing, and referred to as "Notice of Appeal". It shall be signed by yourself or your attorney-at-law and filed along with the prescribed CI\$50.00 filing fee, in the offices of the Permanent Secretary of District Administration, Planning, Agricultural and Housing within the fourteen (14) day period as stipulated in Section 48(1).

Immediately thereafter the appellant shall serve a copy of the Notice of Appeal on the Director of Planning and on all parties who may have filed objections or been heard at the hearing of the application to which the appeal relates. A copy of the Appeal Rules for the Development and Planning Law may be obtained from the Clerk of the Legislative Assembly.

**2. 6 GIL LTD Block 12C Parcel 197 (FA84-0184) (P06-1495) (\$13,316) (BES)**

Application for free-standing sign.

**Appearance at 1:20**

**FACTS**

<i>Location</i>	British Outpost Building on West Bay Road
<i>Zoning</i>	<b>N COM</b>
<i>Notice Requirements</i>	No Objectors

**BACKGROUND**

December 6, 2006 (CPA/38/06; Item 2.12) - CPA adjourned the application to invite the applicant to appear before the Authority.

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

1. Contrary to strategy 1.3 (c) of The Development Plan 1997, the proposed signage does not provide for an appropriate visual image that would improve the commercial areas of the Island, specifically:
  - a) The scale of the sign is excessive and not consistent with the mass of the development existing on the site.
  - b) The Authority is of the opinion that directory style signage is not very effective in drawing customers to a commercial site and merely results in visual clutter. Instead of large monument style directory sign the Authority would encourage a smaller, building/complex identifier sign.

The Authority wishes to remind the applicant of the right to appeal pursuant to section 48(1) of the Development and Planning Law (2005 Revision). Such appeal shall be made by Notice in writing, and referred to as "Notice of Appeal". It shall be signed by yourself or your attorney-at-law and filed along with the prescribed CI\$50.00 filing fee, in the offices of the Permanent Secretary of District Administration, Planning, Agricultural and Housing within the fourteen (14) day period as stipulated in Section 48(1).

Immediately thereafter the appellant shall serve a copy of the Notice of Appeal on the Director of Planning and on all parties who may have filed objections or been heard at the hearing of the application to which the appeal relates. A copy of the Appeal Rules for the Development and Planning Law may be obtained from the Clerk of the Legislative Assembly.

**2. 7 HARD ROCK CAFE Block 14BH Parcel 75 (FB80-0235) (P06-1504) (\$15,000) (BES)**

Application for six (6) flag poles.

**Appearance at 1:50**

**FACTS**

<i>Location</i>	South Church Street, George Town
<i>Zoning</i>	G COM
<i>Notice Requirements</i>	No Objectors
<i>Building Size</i>	6 sq. ft.

**BACKGROUND**

November 29, 2006 (CPA/37/06; Item 2.25) - CPA adjourned the application to invite the applicant to appear before the Authority.

**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the proposed signage.

**2.8 COLMAR LIMITED Block 11D Parcel 79 (F95-0353) (P06-1496) (\$19,068) (DE)**

Application for free-standing sign.

**Appearance at 1:20**

**FACTS**

<i>Location</i>	Trafalgar Place, on West Bay Road
<i>Zoning</i>	N/C
<i>Notice Requirements</i>	No Objectors
<i>Height</i>	19'-6"
<i>Sign Size</i>	157 sq. ft.

**BACKGROUND**

N/A

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

1. Contrary to strategy 1.3 (c) of The Development Plan 1997, the proposed signage does not provide for an appropriate visual image that would improve the commercial areas of the Island, specifically:
  - a) The scale of the sign is excessive and not consistent with the mass of the development existing on the site.
  - b) The Authority is of the opinion that directory style signage is not very effective in drawing customers to a commercial site and merely results in

visual clutter. Instead of large monument style directory sign the Authority would encourage a smaller, building/complex identifier sign.

The Authority wishes to remind the applicant of the right to appeal pursuant to section 48(1) of the Development and Planning Law (2005 Revision). Such appeal shall be made by Notice in writing, and referred to as "Notice of Appeal". It shall be signed by yourself or your attorney-at-law and filed along with the prescribed C\$50.00 filing fee, in the offices of the Permanent Secretary of District Administration, Planning, Agricultural and Housing within the fourteen (14) day period as stipulated in Section 48(1).

Immediately thereafter the appellant shall serve a copy of the Notice of Appeal on the Director of Planning and on all parties who may have filed objections or been heard at the hearing of the application to which the appeal relates. A copy of the Appeal Rules for the Development and Planning Law may be obtained from the Clerk of the Legislative Assembly.

### **3.0 ENFORCEMENTS**

#### **3.1 ROSE EBANKS, PAULETTE SCOTT & PAULINE HYDES Block 4C Parcel 401 (CE07-0009) (KS)**

The construction of additions to an existing building without planning permission.

**Decision:** It was resolved to authorise the issuance of an Enforcement Notice and Stop Notice in accordance with Sections 18 and 23 of the Development and Planning Law (2005 Revisions). Enforcement Notice to take effect, subject to the provisions of Section 18(5) and (6) of the law, at the end of the period of 28 days from the date of service and compliance with the Enforcement Notice to be completed within the period of 60 days from the date when the Notice takes effect. The Stop Notice to take effect at the expiration of 3 days after the date of signature, subject to provisions of Section 23(1) (a) and (b).

### **4.0 DEVELOPMENT PLAN MATTERS**

### **5.0 PLANNING APPEAL MATTERS**

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

### **7.0 CPA MEMBERS INFORMATION/DISCUSSIONS**