

Central Planning Authority

Minutes for a meeting of the Central Planning Authority held on April 18, 2007 at 10:30 a.m. in the Conference Room, 1st Floor, Regatta Office Park – Leeward One (formerly Safehaven).

11th Meeting of the Year

CPA/11/07

Mr. Dalkeith Bothwell (Chairman) (apologies)

Mr. Attlee Bodden (except 2.15)

Mr. Darrell Ebanks (except 6.2)

Mr. Lyle R. Frederick

Mr. Ernley Hurlstone (absent)

Mr. Ray Hydes (apologies)

Mr. Trent McCoy

Mr. Rex Miller

Mr. Arden Parsons (Acting Chairman 2.15) (except 2.17)

Mr. Eldon Rankin (apologies)

Mr. Owen Rankine

Mr. Robert Watler (apologies)

Mr. Fred Whittaker (apologies)

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

2. 1 JIMMY POWELL Block 19E Parcel 131 (F05-0459) (P06-1629) (\$600,000) (DE)

Application for a four (4) unit warehouse.

FACTS

<i>Location</i>	Off North Sound Road onto Commercial Avenue
<i>Zoning</i>	LI
<i>Notice Requirements</i>	No Objectors
<i>Advertisements</i>	NA
<i>Parcel Size</i>	.3900 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Warehouse Units
<i>Building Size</i>	6,000 sq. ft.
<i>Building Coverage</i>	35.3%
<i>Parking Coverage</i>	39.7%
<i>Total Site Coverage</i>	75%
<i>Proposed Handicapped Spaces</i>	1
<i>Proposed Parking</i>	7
<i>Required Handicapped Spaces</i>	1
<i>Required Parking</i>	6

BACKGROUND

February 7, 2007 (CPA/04/07; Item 2.9) - It was resolved to adjourn the application, for the following reason:

1. The applicant is required to submit a revised site plan showing minimum 6' side and rear setbacks for the building.

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

Conditions (1-2) listed below shall be met before building permit drawings can be submitted to the Building Control Unit.

- 1) The applicant shall submit, in accordance with the requirements of the National Roads Authority, a Stormwater Management plan designed to contain storm water runoff produced from a rainfall intensity of 2 inches per

hour for one hour of duration and ensure that surrounding properties that are lower, and/or surrounding roads, are not subject to stormwater runoff from the subject site. The plan shall include provisions for controlling roof runoff.

- 2) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. At a minimum, the landscape plan should show the following:
 - a) A mixture of canopy trees and shrubs behind the sidewalk.
 - b) A variety of shrubs and flowering plants along the front and side elevations of building.
 - c) Appropriate plantings to screen the trash container and treatment facility.
- 3) 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.
- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans which you will receive when all of the above conditions are complied with.

Additionally, once construction has started, conditions (5-11) shall be complied with before a final Certificate of Occupancy can be issued.

- 5) The applicant shall provide a sewage treatment facility in strict accordance with the Water Authority's standards.
- 6) All treated effluent shall be discharged into a disposal well by gravity-flow. The disposal well shall be constructed in strict accordance with the Water Authority's standards. The discharge pipe from the treatment system shall enter the disposal well at a height of at least two feet above the water table level in the well.
- 7) The applicant shall construct a six-foot wide concrete sidewalk along the front property line, and a 4 feet minimum in width landscape strip along the inside edge of the sidewalk. Construction of the sidewalk shall be to the satisfaction of the Director of Planning in consultation with the National Roads Authority Department.
- 8) The parking lot and driveway aisles surfaced with asphaltic concrete or equivalent and tire stops provided for each parking space which shall be striped.
- 9) The approved stormwater management system shall be installed on site.
- 10) Construct a gentle 'hump' at the entrance (along the entire width of the driveway) in order to prevent stormwater runoff from and onto the adjacent road.
- 11) Curbing is required for the driveway and parking areas to control stormwater runoff.

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

Provision shall be made for the **removal of solid waste**, including **construction and demolition waste**, from the site on a regular basis during the construction period.

The applicant shall provide adequate number of **sanitary facilities during the construction stage.**

The applicant is reminded that the proposed development is subject to compliance with the Public Health Law, Fire Brigade Law, Water Authority Law and Roads Law.

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

2.0 APPLICATIONS
APPEARANCES (Items 2.2 TO 2.9)

2. 2 OFFSITE MARKETING LTD Block 5C Parcel 42 (FA92-0165) (P07-0002) (\$2,000) (EJ)

Application for an after-the-fact arbor which measures 7ft by 26ft.

Appearance at 11:30

FACTS

<i>Location</i>	Willie Farrington Drive in West Bay
<i>Zoning</i>	LDR
<i>Parcel Size</i>	21,780 sq. ft.
<i>Current Use</i>	Bridal Business
<i>Proposed Use</i>	Arbor
<i>Building Size</i>	182 sq. ft.
<i>Density</i>	2
<i>Allowable Density</i>	3
<i>Footprint</i>	182 sq. ft.
<i>Building Coverage</i>	.83%

BACKGROUND

July 14, 1992 (CPA/17/92; **Item 11.4**) - the Authority granted permission for a one-bedroom house.

April 27, 2001 - the Department issued an enforcement warning letter regarding the construction of illegal gazebo and sign.

July 25, 2001 (**CPA/24/01; Item 5.12(C)**) - the Authority adjourned the application for an after-the-fact cabana for the Authority to conduct a site visit.

October 3, 2001 (**CPA/31/01; Item 4.01**) - the Authority adjourned the application in order for the Authority to conduct a site visit.

October 31, 2001 (**CPA/33/01; Item 4.01**) - the Authority adjourned the application for the after-the-fact cabana in order for the applicant to submit information as to the use of the building and authorize issuance of an enforcement notice for illegal structures and operation of the floral and wedding businesses.

August 28, 2002 (**CPA/21/02; Item 4.01**) - the Authority adjourned the application for an after-the-fact change-of-use from house to bridal shop and cabanas.

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

- 1) The applicant shall provide a vertical column in the middle of the front openings of the structure, to the satisfaction of the Director of Planning, in order to prevent the parking of vehicles.

2. 3 PETER KANDIAH Block 15E Parcel 238 (FA80-0383) (P07-0321) (\$4,000) (DE)

Application for a 6' high stone wall.

Appearance at 11:45

FACTS

Location South Sound Road next to the South Sound Community Centre, George Town

Zoning **BR/R**

Notice Requirements No Objectors

Height 6ft

BACKGROUND

March 21, 2007 (**CPA/09/07; Item 2.26**) - it was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the proposed height of the wall.

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

- 1) The applicant shall submit revised plans showing the wall with a maximum height of 5 feet and located no closer to the sea than the southern edge of the existing pool.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans which you will receive when you have complied with the above condition.

2. 4 LEROY WHORMS Block 37A Parcel 48 (FA83-0012) (P06-1493) (EJ)

Application for metal storage workshop.

Appearance at 1:20

FACTS

<i>Location</i>	Pauleach Road In Northward
<i>Zoning</i>	LDR
<i>Parcel Size</i>	43,560 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	Storage
<i>Building Size</i>	1,200 sq. ft.
<i>Density</i>	2
<i>Allowable Density</i>	3
<i>Footprint</i>	2,700 sq. ft.
<i>Building Coverage</i>	8%
<i>Proposed Parking</i>	1
<i>Required Parking</i>	1

BACKGROUND

January 26, 1983 (CPA/02/83) - the Authority granted permission for a house.

September 7, 1988 (CPA/19/88; Item 2.15) - the Authority granted permission for a proposed addition to the residence.

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 Central Planning Authority, the Development shall be carried out strictly in accordance with the

approved plans which you will receive when the above condition is complied with.

Additionally, once construction has started, conditions (3-4) shall be complied with before a final Certificate of Occupancy can be issued.

- 3) The existing metal storage containers and the remnants of the existing wooden sheds shall be removed from the property.
- 4) The new shed shall be painted a colour other than the manufactured colour.

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

2. 5 NIGUEL & DARNA PARCHMAN Block 28C Parcel 290 (F99-0061) (P06-1461) (\$3,000) (EJ)

Application for an after-the-fact six foot (6ft) wood picket fence.

The applicants were scheduled to appear at 1:50 but did not appear.

FACTS

<i>Location</i>	Oleander Estate in Savannah.
<i>Zoning</i>	LDR
<i>Parcel Size</i>	.9955 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	After-the-Fact Fence

BACKGROUND

February 26, 1999 the subject parcel was granted permission for a three bedroom house.

Decision: It was resolved to adjourn the application to invite the applicants to appear before the Authority.

2. 6 IAN & CAROLYN KIRKHAM Block 49B Parcel 133 (F06-0643) (P06-1775) (\$6,600) (EJ)

Application for after-the-fact wall and storage unit.

Appearance at 2:20.

FACTS

<i>Location</i>	Rum Point Drive in North Side
<i>Zoning</i>	MDR
<i>Parcel Size</i>	11,325 sq. ft.

<i>Current Use</i>	House
<i>Proposed Use</i>	After-the-Fact Wall and Storage Unit
<i>Density</i>	3.84
<i>Allowable Density</i>	4
<i>Footprint</i>	73 sq. ft.
<i>Building Coverage</i>	15.69%
<i>Proposed Parking</i>	2
<i>Required Parking</i>	1

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

- 1) The front privacy wall shall be physically altered such that it complies with the minimum required 10' side setback.

2. 7 OMERIA GORDON Block 24E Parcel 506 (F95-0140) (P07-0279) (\$5,000) (EJ)

Application for an after-the-fact 6' high wood fence.

Appearance at 2:50

FACTS

<i>Location</i>	Westwood Drive in Bonnieview Estates
<i>Zoning</i>	LDR
<i>Parcel Size</i>	.2296 acres
<i>Current Use</i>	House
<i>Proposed Use</i>	After-the-Fact Fence
<i>Density</i>	4.35
<i>Allowable Density</i>	3

BACKGROUND

October 4, 1995 (**CPA/31/95; Item 2.8**) - the Authority granted permission for a proposed three bedroom house.

September 10, 1997 (**CPA/29/97; Item 2.06**) - the Authority granted permission for a proposed three bedroom house.

March 22, 2004 - the Department administratively approved a one bedroom house addition with attached double garage.

Decision: It was resolved to grant planning permission.

2. 8 DAVID GAVIN BERRY SR. & JR. Block 19E Parcel 105 (FA86-0170) (P06-1081) (\$28,000) (DE)

Application for clearing land by mechanical means at the edge of the property near the North Sound "shoreline/sea and dykes area."

Appearance at 3:50

FACTS

<i>Location</i>	North Sound Road (George Town Barcadere Development)
<i>Zoning</i>	M COM
<i>Notice Requirements</i>	No Objectors
<i>Advertisements</i>	NA
<i>Parcel Size</i>	3.3900 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Land Clearing/Fill

BACKGROUND

October 25, 2006 (CPA/33/06; Item 2.13) - it was resolved to adjourn the application and invite the applicant to appear before the Authority.

January 24, 2007 (CPA/02/07; item 2.4) - it was resolved to refuse the application, for the following reason:

1. In the absence of any clear indication that the site will be physically developed, the clearing of the land is: a) premature and has removed the ecological function of the vegetation that used to be on the site; and b) is unsightly and negatively affects the amenity of the surrounding area.

Decision: It was resolved to advise the applicant that the application had already been refused on January 24, 2007. Due to miscommunication within the Department, the applicant was inadvertently invited to attend this meeting. The Authority apologizes for this oversight, but does remind the applicant that any further development on the site will require an application for planning permission.

2. 9 IVORY KAI POINT DEV. LTD Block 33M Parcel 47 (F06-0334) (P06-0902) (\$19,162,375) (CS)

Application for fifty two (52) apartments, managers office, pool, spa and dock.

Appearance at 5:00

FACTS

<i>Location</i>	In Rum Point at the end of Ivory Kai Point
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	Objectors
<i>Parcel Size</i>	8.3000 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Apartments
<i>Building Size</i>	67,915 sq. ft.
<i>Density</i>	6.2
<i>Allowable Density</i>	15
<i>Building Coverage</i>	14%
<i>Proposed Handicapped Spaces</i>	8
<i>Proposed Parking</i>	101
<i>Required Parking</i>	93
<i>Number of Units</i>	52

BACKGROUND

October 4, 2006 (**CPA/31/06; Item 2.32**) - The Authority adjourned an application for seven two (72) apartments, manager's office, pool, spa and dock for the following reason:

1. To provide reviewing agencies, Department staff and all objectors an opportunity to review the revised plans that were submitted. To this end, the applicant is required to re-notify all of the adjacent land owners that were previously notified. Subsequent to the re-notification process and the expiration of the 21 day commenting period, the application will be rescheduled for consideration by the Authority and the applicant and all objectors will be invited to attend the meeting.

January 11, 2007 (**CPA/01/07; Item 202**) - The CPA resolved to adjourn the application, for the following reason:

1. The applicant is required to submit revised plans illustrating the buildings with a maximum of two storeys. This building scale will be consistent with the character of the existing development in the vicinity of the subject site. Further, given the peninsula's prominent shoreline location, when viewed from the sea, two storey buildings will be visually congruous with existing development in the area. The Authority requires the revised plans in order to fully consider the appropriateness and suitability of the proposed development.

Decision: It was resolved to adjourn the application to allow the Authority an opportunity to seek a legal opinion regarding the Authority's role or obligation pertaining to the restrictive covenants that affect the Cayman Kai area.

2.0 APPLICATIONS

REGULAR AGENDA (Items 2.10 to 2.25)

2. 10 THERESA L. THOMAS & PHILIP A. THOMAS Block 24E Parcel 554 (F00-0079) (P07-0257) (\$20,000) (DE)

Application for an after-the-fact house addition, swimming pool and dock.

FACTS

<i>Location</i>	Prospect Road, Spotts
<i>Zoning</i>	LDR
<i>Parcel Size</i>	.2486 acres
<i>Current Use</i>	House, Pool and Dock
<i>Proposed Use</i>	Pool/Dock/Deck/House
<i>Building Size</i>	2,584 sq. ft.
<i>Density</i>	4
<i>Allowable Density</i>	3
<i>Footprint</i>	2584 sq. ft.
<i>Building Coverage</i>	24%
<i>Proposed Parking</i>	1
<i>Required Parking</i>	1

BACKGROUND

Planning Permission for House Approved April 8, 2003 (F00-0079)

July 17, 2006 - A warning letter issued for illegal house addition, swimming pool and dock.

January 16, 2007 - An Enforcement Notice was issued to the registered landowners.

Decision: It was resolved to adjourn the application to invite the applicants to appear before the Authority.

2. 11 DR STEVE TOMLINSON Block 25C Parcel 258 (F03-0095) (P07-0285) (P07-0286) (P07-0287) (\$1,000,000) (KB)

Application for a four (4) bedroom house plus study with attached two (2) car garage and maids quarters, three (3) cabanas, wall/fence and pool.

FACTS

<i>Location</i>	Midsummer Drive, Savannah
<i>Zoning</i>	LDR
<i>Parcel Size</i>	2.4300 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Residence
<i>Building Size</i>	7,517 sq. ft.
<i>Density</i>	.4
<i>Allowable Density</i>	3
<i>Footprint</i>	5545 sq. ft.
<i>Building Coverage</i>	5%
<i>Proposed Parking</i>	14
<i>Required Parking</i>	2

BACKGROUND

April 16, 2003 (**CPA/11/03; Item 3.12**) - the Authority granted planning permission for a house, guest house, duplex, gazebo, pool and fence.

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

Conditions (1-2) listed below shall be met before building permit drawings can be submitted to the Building Control Unit.

- 1) The applicant shall submit a revised site plan that shows the deletion of the driveway connecting to Shamrock Road.
- 2) The construction drawings for the proposed swimming pool shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool is constructed in accordance with the submitted plans it will conform to public health requirements.
- 3) 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.
- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans which you will receive when all of the above conditions are complied with.

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

2. 12 CDP LTD Block 12E Parcel 37 (F99-0022) (P07-0320) (\$491,382) (DE)

Application for a single storey car garage addition to an existing house.

FACTS

<i>Location</i>	Off West Bay Road onto Lizard Run Lane, West Bay
<i>Zoning</i>	H/T
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	.34 acre
<i>Current Use</i>	House
<i>Proposed Use</i>	Garage
<i>Building Size</i>	1,638 sq. ft.
<i>Density</i>	2.9
<i>Allowable Density</i>	3
<i>Building Coverage</i>	11.06%
<i>Required Parking</i>	1
<i>Proposed Parking</i>	1

BACKGROUND

February 20, 2007 (**CPA/05/07; item 2.14**) - It was resolved to refuse the application, for the following reason:

1. The proposed garage does not comply with the side and rear setback requirements per Regulation 10(1)(f) & (g) of the Development and Planning Regulations (2006 Revision). Additionally, the Authority was of the opinion that the applicant had not presented sufficient reason why lesser setbacks could be allowed per Regulation 8(13)(b).

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 Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans which you will receive when all of the above conditions are complied with.

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

2. 13 ID COPORATION Block 14BG Parcel 102 (F07-0157) (P07-0330) (\$600) (CS)

Application for a temporary parking lot.

FACTS

<i>Location</i>	Near the northeast corner of North Church Street and Mary Street
<i>Zoning</i>	G COM
<i>Notice Requirements</i>	No Objectors
<i>Advertisements</i>	NA
<i>Parcel Size</i>	.8020 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Parking Lot
<i>Building Size</i>	3,575 sq. ft.
<i>Parking Coverage</i>	10.2%
<i>Total Site Coverage</i>	10.2%
<i>Proposed Parking</i>	14

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

- 1) The applicant shall submit a revised site plan that shows:
 - a) the parking area surfaced with chip & spray; and
 - b) a sidewalk leading from the entrance and connecting to the sidewalk in front of the Old English bakery.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans which you will receive when you have complied with the above condition.

2. 14 JACQUES SCOTT GROUP Block 14C Parcel 301 (FA80-0480) (P07-0347) (\$6,000) (CS)

Application for a wall mounted sign to be placed on a warehouse wall.

FACTS

<i>Location</i>	At the southwest corner of Shedden Road and Thomas Russell Way Avenue
<i>Zoning</i>	G COM
<i>Notice Requirements</i>	No Objectors
<i>Height</i>	11
<i>Sign Size</i>	195 sq. ft.

BACKGROUND

February 12, 2003 (**CPA/05/03; Item 3.02**) - CPA granted planning permission for a warehouse addition.

April 5, 2006 (**CPA/11/06; Item 2.32**) - CPA granted planning permission for a 6-foot high chain link fence.

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

- 1) The applicant shall submit a revised plan that shows the sign reduced in scale proportionately by 25%.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans which you will receive when you have complied with the above condition.

2. 15 OCEAN SAFARI LTD / DIVERS DOWN Block 14BG Parcel 10 (F07-0178) (P07-0374) (\$15,000) (CS)

Application for an after-the-fact 110 sq. ft. covered structure and an air compressor.

Mr. Attlee Boddan declared a conflict and left the meeting room. Mr. Arden Parsons sat as Acting Chairman.

FACTS

<i>Location</i>	Near the northwest corner of North Church Street and Mary Street, George Town
<i>Zoning</i>	G COM
<i>Notice Requirements</i>	No Objectors
<i>Advertisements</i>	NA
<i>Parcel Size</i>	7,840.8 sq. ft.
<i>Current Use</i>	Dive Shop
<i>Proposed Use</i>	Dive Shop

Building Size 108 sq. ft.
Existing Parking 4

BACKGROUND

January 10, 2007 (**CE06-0241**) - The CPA resolved to authorize the issuance of an Enforcement Notice for the illegal construction of a shed for an air compressor.

Decision: It was resolved to adjourn the application to invite the applicant to appear before the Authority to discuss concerns regarding safety and suitability.

2. 16 ALLAN W MYLES Block 14C Parcel 119 (FA81-0515) (P07-0344) (\$60,000) (DE)

Application for a house addition and renovation to existing house.

FACTS

Location Shedden Road next to Jacques Scott
Zoning **G COM**
Parcel Size .1000 acres
Current Use House
Proposed Use House Additions
Building Size 466 sq. ft.
Footprint 2123 sq. ft.
Building Coverage 48%
Proposed Parking 1
Required Parking 1

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

1. The applicant is required to submit a revised site plan that accurately depicts the location of existing and proposed structures as well as demonstrating that the NRA's Boundary Plan has been accommodated.

2. 17 ANDY PARSONS Block 49C Parcel 1 Rem 1 (F05-0471) (P07-0261) (\$1,390,000) (BES)

Application for a ninety (90) lot subdivision phases 2-4.

Mr. Arden Parsons declared a conflict and left the meeting room.

FACTS

Location Northside Road, North Side

<i>Zoning</i>	MDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	50 acres
<i>Number of Lots</i>	90

BACKGROUND

January 25, 2006 (**CPA/03/06; Item 2.30**) – CPA granted planning permission for a twenty five (25) lot subdivision with conditions.

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

- 1) The applicant shall submit a stormwater management plan prepared in accordance with the requirements of the National Roads Authority.
- 2) The applicant shall submit a revised plan showing:
 - a) a 300’ buffer from Malportas Pond;
 - b) road connections to Block 49C Parcels 2 and 12; and
 - c) lot lines perpendicular to the internal subdivision road.

2. 18 DAVID FREDERICK Block 25C Parcel 91 (F81-0061) (P07-0377) (KB)

Application for a seven (7) lot subdivision.

FACTS

<i>Location</i>	Raven Avenue, Spotts
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	2.0200 acres
<i>Number of Lots</i>	7

BACKGROUND

A house was approved in 1981.

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

- 1) Prior to the commencement of any site works such as filling, grading and road construction, the applicant shall submit the following:
 - a) A stormwater management plan prepared in accordance with the requirements of the Managing Director, NRA, in consultation with MRCU, and approved by the Central Planning Authority. The plan shall be designed to embrace storm water runoff produced from a rainfall

intensity of 2 inches per hour for one hour of duration and should include, but not be limited to, the location of all drainage facilities and general grading details of the site (roads included). In general, the entire site shall be graded in such a manner that stormwater runoff is no more than that which occurred during predevelopment conditions along private boundaries with any excess runoff directed to one central drainage facility or a series of facilities.

- 2) Prior to the subdivision plan being finalized, the following conditions shall be satisfied:
 - a) The property shall be filled in such a manner as to ensure that the subdivision road and a reasonable building envelope for each lot are filled to 4 feet above mean sea level, with the remaining subdivision land being filled and/or graded to a level that will assist in the drainage of the subdivision per the stormwater management plan required in condition 1) a) above. After filling the site, the applicant shall submit a plan prepared by a registered land surveyor indicating spot heights at regular intervals, including the finished grade of constructed access road (s), if any.
 - b) The approved stormwater management system shall be installed on site.
 - c) The access road (s) abutting the proposed strata lots shall have a minimum of a 30' demarcated road parcel and shall be constructed with asphalt and approved by the Director of Planning prior to the lots being registered. The applicant shall liaise with the Managing Director, National Roads Authority (NRA), at predetermined stages of road construction to ensure compliance with the requisite standards. Failure to do so may render the project unacceptable. Please be advised that the road base shall be constructed to National Roads Authority (NRA) minimum design and construction specifications for subdivision roads. The NRA shall inspect and certify road base construction prior to road surfacing activities.
 - d) The applicant shall provide water infrastructure for the entire sub-division. The applicant shall submit plans for the water supply system for approval by the Water Authority. The water supply system shall be installed to the Authority's specifications, under the Authority's supervision. Copies of these specifications are available at the Water Authority's office on Red Gate Road.
 - e) The applicant shall request to have the sub-division connected to the Water Authority's public water system. This request will be acted upon after the pipelines on the sub-division have been installed in accordance with the WAC specifications and have passed all specified tests.
 - f) Install road signs and submit names for proposed roads.
 - g) The surveyor's final drawing shall be submitted to the Planning Department for approval prior to the survey being registered. The applicant shall notify the Chief Surveyor in writing once survey Kaps have been placed in the ground in order for the survey to complete its

authentication process and to thereby initiate lifting of the Parcel Survey Restrictions by the Registrar of Lands.

2. 19 HDS HOLDINGS LTD Block 12D Parcel 70 (F07-0181) (P07-0380) (\$75,000) (KB)

Application for a 40' high golf screen.

FACTS

<i>Location</i>	Britannia Drive
<i>Zoning</i>	H/T
<i>Notice Requirements</i>	No Objectors
<i>Height</i>	40'

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

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

2. 20 MICHAELLA BUSH Block 4B Parcel 654 (F07-0190) (P07-0416) (\$170,000) (KB)

Application for a duplex.

FACTS

<i>Zoning</i>	HDR
<i>Parcel Size</i>	7,636 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Duplex
<i>Building Size</i>	2,040 sq. ft.
<i>Density</i>	5.7
<i>Allowable Density</i>	6
<i>Footprint</i>	1590 sq. ft.
<i>Building Coverage</i>	21%
<i>Proposed Parking</i>	2
<i>Required Parking</i>	2

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.

Additionally, once construction has started, condition (3) shall be complied with before a final Certificate of Occupancy can be issued.

- 3) 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. 21 RAUL GONZALEZ Block 27C Parcel 374 (F07-0192) (P07-0418) (P07-0452) (P07-0456) (\$9,000,000) (KB)

Application for a five bedroom house with two attached garages, gazebo, playhouse, storage room, and a pool.

FACTS

<i>Location</i>	Water Street, Savannah
<i>Zoning</i>	LDR
<i>Parcel Size</i>	.5739 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	House, Gazebo, Playhouse, Storage Room and Pool
<i>Building Size</i>	8,312 sq. ft.
<i>Density</i>	1.75
<i>Allowable Density</i>	3
<i>Footprint</i>	5124 sq. ft.
<i>Building Coverage</i>	20.5%
<i>Proposed Parking</i>	3
<i>Required Parking</i>	1

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

Conditions (1-2) listed below shall be met before building permit drawings can be submitted to the Building Control Unit.

- 1) The applicant shall submit a revised site plan that shows a sewage treatment plant instead of a septic tank. The size of the plant will be determined by the Water Authority. Additionally, the plant should be shown relocated on the site as far away as possible from the canal.
- 2) The construction drawings for the proposed swimming pool shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool is constructed in accordance with the submitted plans it will conform to public health requirements.
- 3) 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.
- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans which you will receive when all of the above conditions are complied with.

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 ft (2') above the Vidal Bench Mark].

2. 22 DIANE RIDLEY Block 12C Parcel 273 (F05-0512) (P07-0327) (\$3,000) (KB)

Application for a five (5) lot subdivision.

FACTS

<i>Location</i>	Jennifer Drive, Snug Harbour
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	21,997.8 sq.ft.
<i>Number of Lots</i>	5

BACKGROUND

July 26, 2006 (CPA/24/06; **Item 2.11**) - the Authority granted planning permission for two duplexes and a pool.

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

- 1) The surveyor's final drawing shall be submitted to the Planning Department for approval prior to the survey being registered.

2. 23 NATIONAL GALLERY Block 13C Parcel 18 (F06-0470) (P07-0219) (\$300,000) (BES)

Application to modify planning permission to add a mezzanine and excavation of two marl pits/water features.

FACTS

<i>Location</i>	Via the Harquail Theatre access road
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Advertisements</i>	Advertising Complete
<i>Parcel Size</i>	4.2072 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Gallery
<i>Building Size</i>	Proposed - 2,387 sq. ft. Approved - 7,888 sq. ft.
<i>Building Coverage</i>	4.3%
<i>Parking Coverage</i>	11%
<i>Total Site Coverage</i>	15.3%
<i>Proposed Handicapped Spaces</i>	2
<i>Proposed Parking</i>	36
<i>Required Handicapped Spaces</i>	2
<i>Required Parking</i>	40
<i>Building Size</i>	2,387 sq. ft.

BACKGROUND

November 29, 2006 (**CPA/37/06; Item 2.11**), CPA granted planning permission for art gallery (phase 1) with conditions.

Decision: It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Law (2005 Revision) hereby orders that planning

permission CPA/37/06; item 2.11 be modified to add a mezzanine and the excavation of two ponds, **subject to the following condition:**

- 1) The applicant shall submit revised plans that show:
 - a) a maximum pond depth of 12 feet and the safety shelf reduced in depth to 2 feet; and
 - b) a landscaped berm, 4 feet in height, between the ponds and the Esterley Tibbetts Highway.

All other conditions of CPA/37/06; Item 2.11 remain applicable.

2. 24 PAULINE & PATRICK GAYLE Block 32D Parcel 209 (F07-0173) (P07-0358) (\$250,000) (BES)

Application for a duplex.

FACTS

<i>Location:</i>	Off Beach Bay Road
<i>Zoning:</i>	LDR
<i>Parcel Size</i>	13,072.4 sq. ft.
<i>Building Size</i>	2,300 sq. ft.
<i>Footprint</i>	2300 sq. ft.
<i>Building Coverage</i>	17.6%
<i>Proposed Parking</i>	3
<i>Required Parking</i>	3
<i>Number of Units</i>	2

Decision: It was resolved to adjourn the application and invite the applicants to appear before the Authority.

2. 25 KENT RANKIN Block 20B Parcel 20 (F06-0498) (P06-1368) (\$9,500) (BES)

Application for an after-the-fact addition to a duplex to create apartments.

FACTS

<i>Location</i>	Off Red Gate Road
<i>Zoning</i>	LI
<i>Parcel Size</i>	6,808.4 sq. ft.
<i>Current Use</i>	Duplex
<i>Proposed Use</i>	Addition

<i>Building Size</i>	538 sq. ft.
<i>Density</i>	12.7
<i>Footprint</i>	1240 sq. ft.
<i>Building Coverage</i>	26.1%
<i>Parking Coverage</i>	15.5%
<i>Total Site Coverage</i>	416%
<i>Proposed Parking</i>	3
<i>Required Parking</i>	3
<i>Number of Units</i>	2

BACKGROUND

November 8, 2006 (**CPA/35/06; Item 2.2**) – the CPA adjourned the application to invite the applicant in to discuss the residential use of the property and access width to the site.

January 24, 2007 (**CPA/02/07; Item 2.5**) – CPA adjourned the application for a revised plans showing the after-the-fact portion of the structure with direct internal access from the bedrooms to the bathroom and kitchen.

Decision: It was resolved to adjourn the application and invite the applicant to appear before the Authority.

3.0 ENFORCEMENTS

3.1 CLARENCE L. FLOWERS & OTTO LEE REGINA FLOWERS Block 22D Parcel 144 (CE07-0010) (KS)

Illegal change-of-use of Low Density Residential land for the use of the storage soil/aggregate and for the sifting of soil/aggregate.

FACTS

<i>Location</i>	Woodstock Road, Prospect
<i>Zoning</i>	LDR

BACKGROUND

Planning permission for apartments refused in 1997.

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 3 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).

3.2 RICHARD L. FLOWERS Block 22D Parcel 143 (CE07-0010) (KS)

Illegal change-of-use of Low Density Residential land for the use of the storage soil/aggregate and for the sifting of soil/aggregate.

FACTS

Location Woodstock Road, Prospect

Zoning **LDR**

BACKGROUND

Planning permission for apartments refused in 1997.

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 3 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

4.1 CSDL LTD. Block 13C Parcel 4 (RZ04-0003) (MS)

Application for a rezone from Low Density Residential to General Commercial and Neighbourhood Commercial

FACTS

Zoning **LDR**

Parcel Size 52.0000 acres

BACKGROUND

CPA/02/05; Item 5.1 - It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss the application.

CPA/03/05; Item 2.4 - It was resolved to adjourn the application, for the following reason:

1. The applicant is requested to provide more detailed information with respect to the intended use(s) of the areas of land subject to the proposed rezoning. This information should include, at a minimum, a master plan for the subject parcel as well as the contiguous lands owned by the applicant.

CPA/14/06; Item 4.1 - It was resolved to forward the application for advertising in a locally published newspaper, less the area for the approved school.

The application was advertised in the Cayman Compass on January 17, 19, 23, and 25.

Decision: It was resolved to forward the application to the Development Plan Tribunal for their recommendation. The Ministry of District Administration, Planning, Agriculture and Housing will contact the applicant informing the applicant of the hearing date.

4.2 L.R. DEVELOPMENT LTD. Block 13C Parcel 19 (RZ07-0001) (MS)

Application for a rezoning of this vacant Low Density Residential parcel to Neighbourhood Commercial.

FACTS

<i>Location</i>	Adjoining The Harquail By-Pass
<i>Zoning</i>	LDR
<i>Parcel Size</i>	6.0500 acres

BACKGROUND

The applicant submitted an application for a rezoning of this vacant Low Density Residential parcel to Neighbourhood Commercial. The site is located on the western side of the Esterley Tibbetts bypass just west of the school site of Camana Bay. Rezoning application RZ04-0003 includes the parcels directly south of this site. This application is also being heard in the April 18 meeting.

Decision: It was resolved to adjourn the application in order for the Department to obtain additional information regarding the application. The item will be presented at the May 2, 2007 CPA hearing.

The applicant do not need to do anything at this time.

5.0 PLANNING APPEAL MATTERS

6.0 MATTERS FROM THE DIRECTOR OF PLANNING

6.1 VISTA DEL MAR COASTAL SETBACK.

The Authority resolved that Salt Creek is considered an inland waterway and will be subject to the applicable setbacks per regulation 8(10)(d) of the Development and Planning Regulations (2006 Revision).

6.2 NATIONAL TRUST MISSION HOUSE Block 44B Parcel 190 (F05-0431) (P07-0493) (\$15,000) (EJ)

Application to modify planning permission.

Mr. Darrell Ebanks declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Off Gun Square in Bodden Town
<i>Zoning</i>	MDR
<i>Notice Requirements</i>	NA
<i>Advertisements</i>	NA
<i>Parcel Size</i>	2.7500 acres
<i>Current Use</i>	House/Visitor Centre
<i>Proposed Use</i>	Modification
<i>Density</i>	.36
<i>Building Coverage</i>	1213.3%
<i>Parking Coverage</i>	3653.59%
<i>Total Site Coverage</i>	4866.89%
<i>Existing Parking</i>	6
<i>Proposed Handicapped Spaces</i>	1
<i>Proposed Parking</i>	6
<i>Required Handicapped Spaces</i>	1
<i>Required Parking</i>	6

BACKGROUND

December , 2005 (CPA/32/05; Item 2.6) - the Authority approved the development.

Decision: It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Law (2005 Revision) hereby orders that planning

permission CPA/32/05; item 2.6 be modified to allow the parking area not to be paved.

All other conditions of CPA/32/05; Item 2.6 remain applicable.

7.0 CPA MEMBERS INFORMATION/DISCUSSIONS