

Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on December 16, 2009 at 10:30 a.m. in the Conference Room, 1st Floor, Regatta Office Park – Leeward One.

31st Meeting of the Year

CPA/31/09

Mr. A. L. Thompson (Chairman)
Mr. Steve McLaughlin (Deputy Chairman)
Mr. Peterkin Berry
Mr. Peter Campbell
Mr. Ernie Hurlstone
Mr. Philip Hydes
Mr. Ray Hydes
Mr. Gillard McLaughlin
Mr. Rex Miller
Mr. Allan Myles
Mr. Eldon Rankin
Mr. Helbert Rodriquez
Mr. Antonio Smith
Mr. Haroon Pandohie (Executive Secretary (Acting))
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**

List of Applications to be Presented at CPA/31/09

2. 1 **DAVID BERRY** Block 32B Parcel 27 (F09-0289) (P09-0921) (\$100,000) (BES) 4

2. 2 **JOEL GONZALEZ GARCIA** Block 58A Parcel 106 (F09-0360) (P09-1236) (\$3,000) (DE) 7

2. 3 **DAVENPORT DEVELOPMENT LTD** Block 15E Parcel 202 (F09-0246) (P09-1136) (\$31,321,500) (CS) 9

2. 4 **AMD PROPERTIES LIMITED** Block OPY Parcel 28 (FA83-0403) (P09-1166) (\$5,000) (CS) 18

2. 5 **TROY WHITTAKER** Block 54D Parcel 14 (FA83-0157) (P09-1275) (\$270,000) (CS) 20

2. 6 **ELIZABETH SMITH** Block 28C Parcel 99 (FA89-0407) (P09-1252) (BES) . 21

2. 7 **SPENCER DANIEL BENNETT** Block 9A Parcel 294 (F06-0259) (P09-1282) (\$20,000) (DE) 22

2. 8 **JEANNIE EBANKS** Block 4C Parcel 349 (F00-0353) (P09-0148) (\$6,000) (DE) 23

2. 9 **NIGEL TORRANCE** Block 53A Parcel 129 (F08-0038) (P09-0475) (P09-1281) (\$74,600) (EJ) 26

2. 10 **TODD DAVEY** Block 15B Parcel 153 (F02-0272) (P09-1289) (\$240,000) (DE) 28

2. 11 **CAYMAN ISLANDS AIRPORT AUTHORITY** Block 20C Parcel 78 (FA83-0256) (P09-1191) (\$150,000) (CS) 29

2. 12 **ADARE INVESTMENTS LTD.** Block 12E Parcel 103 (F06-0012) (P09-1195) (\$15,000) (BES) 30

2. 13 **PATRICIA DIXON** Block 27E Parcel 53 (F95-0315) (P09-1245) (\$130,000) (CS) 31

2. 14 **RAWLINE & HUNTER** Block 17A Parcel 10 (FA85-0240) (P09-1266) (\$7,000) (CS) 32

3. 1 **DANNY & CAROL PHILLIPS** Block 1D Parcel 329 (CE09-0113) (CM) 33

3. 2 **OWEN DESMOND MCGEE** Block 24D Parcel 26 (CE09-0186) (CM) 35

3. 3 **ALLEN RAMOS** Block 13D Parcel 289 (CE09-0185) (CM) 37

6. 1 **DEPARTMENT OF ENVIRONMENT PRESENTATION** 39

APPLICANTS APPEARING BEFORE THE CENTRAL PLANNING AUTHORITY

APPLICANT NAME	TIME	ITEM	PAGE
David Berry (BES)	11:00	2.1	4
Joel Gonzalez Garcia (DE)	11:20	2.2	7
Department of Environment Presentation	1:40	6.1	39

1.0 CONFIRMATION OF MINUTES

2.0 APPLICATIONS

APPEARANCES (Items 2. 1 TO 2. 2 & 6.1)

2. 1 DAVID BERRY Block 32B Parcel 27 (F09-0289) (P09-0921) (\$100,000) (BES)

Application for a fourteen (14) lot subdivision.

Appearance at 11:00

FACTS

<i>Location</i>	Shamrock Road opposite Woodland Drive, Savannah
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	4.7500 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Subdivision
<i>Number of Parcels</i>	14

BACKGROUND

CPA/29/09; Item 2.8 - The CPA adjourned the application to invite the applicant to discuss concerns regarding the proposed lot sizes.

Recommendation: Discuss the proposed lot sizes.

AGENCY COMMENTS

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

Water Authority

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

Water Supply:

Please be advised that the proposed development site is located within the Water Authority's piped water supply area.

- *The developer is required to notify the Water Authority's Engineering Services at 949-2837, without delay, to be advised of the site-specific requirements for connection.*
- *The developer is required to provide the water-supply infrastructure, specified by the Authority, within the site.*

- *The developer shall submit plans for the installation of the specified infrastructure to the Authority for approval.*
- *The site's water-supply infrastructure shall be installed to the Authority's specifications, under the Authority's supervision. Copies of the Authority's specifications are available at the Water Authority's office on Red Gate Road.*
- *The developer's request to have the development connected to the Water Authority's public water system will be acted upon after the site's water-supply infrastructure has been installed in accordance with the WAC specifications, and passed specified tests.*

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

Wastewater Treatment:

Please be advised that wastewater treatment and disposal requirements for built development are subject to review by the Water Authority.”

National Roads Authority

“As per your memo dated September 4th, 2009 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Stormwater Management Issues

Please note that this site is over a water lens and the Water Authority has special conditions for granting drilling permits. In order to protect this source of portable water the applicant should liaise with the Water Authority to determine their requirements on this matter.

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

The applicant shall demonstrate that the Stormwater Management system can be designed to include storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties that are lower, and nearby public roadways are not subject to stormwater runoff from this site.

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

Infrastructure Issues

Please find attached a copy of NRA's minimum turn around standards, please have applicant review and comply.

The subdivision's road base shall be constructed to NRA minimum design and construction specifications for subdivision roads - this includes elevations,

minimum longitudinal slopes and minimum cross fall of minus 2 percent from the centre line to the shoulder.

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

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

LETTER FROM APPLICANT

"The attached subdivision plans are hereby submitted with the request for a variation to allow the lot sizes to be a minimum of 10,000 Sq.ft. instead of 12500.00 Sq. ft.

The required notices have been sent out. Included are registry map, land register and application fees.

Thank you for considering this application"

PLANNING DEPARTMENT ANALYSIS

General

The application is for twelve (12) detached lots, one road parcel and one LPP lot subdivision to be located on Shamrock Road opposite Woodland Drive, Savannah.

Development Plan

The application is in general conformity with the provisions of The Development Plan 1997.

Zoning

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

Specific Issues

a) Lot Size

As indicated on the subdivision plan, the lots range from 10,840 sq. ft. to 14,980 sq. ft. In accordance with Regulation 8(9)(d), the minimum lot size is 12,500 sq. ft. The applicant has submitted a letter of variance regarding the lot size as noted above. It should be noted that the applicant's letter inadvertently mentioned the smallest lot size in the subdivision as 10,000 sq. ft. instead of 10,840 sq. ft.

The Department has significant concern with the proposed lot sizes as no justification has been provided by the applicant for such a significant departure from the allowable minimum. To allow this request would, in essence, effectively reduce the allowable minimum lot size for all

subdivisions in the LDR zone from 12,500 to 10,840 square feet. The Department acknowledges that the lot sizes in all zones need to be examined, but this needs to be done in a comprehensive manner and not resolved through the determination of one, 14 lot subdivision.

b) Double Frontage Lots

As submitted, the subdivision plan indicates a double frontage lots. The access road over Block 32B Parcels 197-200 is a private right of way.

2. 2 JOEL GONZALEZ GARCIA Block 58A Parcel 106 (F09-0360) (P09-1236) (\$3,000) (DE)

Application to place two (2) 40' containers on the subject property.

Appearance at 11:20

FACTS

<i>Location</i>	Off Frank Sound Road
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Advertisements</i>	NA
<i>Parcel Size</i>	4.6840 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Containers
<i>Building Size</i>	640 sq. ft.
<i>Total Site Coverage</i>	.3%
<i>Proposed Parking</i>	2

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

1. Site suitability.

LETTER FROM APPLICANT

"I apply to get permit to accommodate two 40 feet containers on my property with the intention to storage and secure tools and construction materials as follows:

- *Container "A" will be used as open space to storage bulk materials, pallets ect.*
- *Container "B" will be divided in three section 5' X 5' toilet with interior door, 8'X 10' office without doors and 8'X 25' tool storage without doors*

These containers will be in Block 58A Parcel 106 as shown attached drawings.

Any questions on this matter do not hesitate to contact me at 916-4679."

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking to planning permission to place two (2) 40 feet containers on the subject caption which is located off Frank Sound Road.

Zoning

The subject parcel is zoned Low Density Residential and while the proposed use is a permitted use per Regulation 9 (1), (2), (3) and (5), the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Site Suitability

The Department does not support applicants placing metal containers for residential or commercial activity on any given property due to these activities becoming public nuisance to adjoining parcels. Additionally, the subject site is on Frank Sound Road and the containers will be highly visible along such a busy road.

The Department recommends that the applicant submit an application for a permanent building rather than the submitted application.

2.0 APPLICATIONS

REGULAR AGENDA (Items 2. 3 TO 2. 14)

2. 3 DAVENPORT DEVELOPMENT LTD Block 15E Parcel 202 (F09-0246) (P09-1136) (\$31,321,500) (CS)

Application for 140 apartments, three (3) pools, three (3) cabanas, two (2) tennis courts, clubhouse and gym, one (1) monument sign, perimeter walls and two (2) statues.

FACTS

<i>Location</i>	Along South Sound Road, adjacent to The Lakes Subdivision
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	12.4700 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Apartments
<i>Building Size</i>	250,572 sq. ft.
<i>Density</i>	12
<i>Allowable Density</i>	15
<i>Building Coverage</i>	25%
<i>Proposed Handicapped Spaces</i>	13
<i>Proposed Parking</i>	292
<i>Required Parking</i>	210
<i>Number of Units</i>	140

BACKGROUND

August 19, 2009 (CPA/22/09; **Item 2.13**) - The Authority granted planning permission to clear 11.84 acres.

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

1. The mass and scale of the proposal
2. Access
3. Suitability of fence height and perimeter lighting.
4. Tennis court lighting and fencing.
5. Front setback variance for perimeter fencing and statues.
6. Driveway gates - suitability and NRA comments

AGENCY COMMENTS

Comments from the Chief Environmental Health officer, Water Authority, National Roads Authority and Building Control Unit are noted below.

Chief Environmental Health Officer

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

- 1. The plans meet the requirements of the department and can be approved.*
- 2. Please see approved revision of site plan.*
- 3. Swimming pool applications must be made before pools can be approved.”*

Water Authority

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

Wastewater Treatment:

- The developer shall provide an on-site aerobic wastewater treatment system with a treatment capacity of at least 36,500 US gallons per day (gpd).*
- The developer shall submit a proposal for the provision of an aerobic wastewater treatment system(s) certified to produce an effluent quality of 30 mg/l BOD5 and 30 mg/l Suspended Solids which discharges, via gravity flow, to an effluent disposal well constructed in strict accordance with the Authority's standards.*

Proposals shall include the following information:

- 1. Indicate the make, model and quantity of a certified package plant(s) that will be installed to meet the above requirements. If there is more than one building or system, clearly indicate which building(s) are to be served by which system(s).*
- 2. Indicate, on a site sketch, the proposed layout of flows from building(s) to system(s) to well(s). The location of the system(s) shall comply with the minimum setback requirements of the Planning Department and provide easy access for operation, maintenance and inspection. Disposal wells shall be located at least 100 feet from the mean high waterline of any water body (sea, lakes, canals, etc.), or as far as practical given lot dimensions.*
- 3. Indicate the ground floor level of the building(s) relative to the groundwater level at the site. This information is necessary to determine whether a lift station is necessary to meet the requirement that the discharge pipe from the treatment system enters the disposal well at a height of at least two feet above the water level in the well.*
- 4. If a lift (pumping) station is necessary, it shall be installed upstream of the treatment system, to ensure that the discharge from the treatment system to the disposal well is gravity-flow. Details of the proposed lift station (dimensions of wet well, pump specifications) as well as details of any*

proposed mechanism to split or distribute the flows, shall be submitted to the Authority for approval.

Water Supply:

Please be advised that the proposed development site is located within the Water Authority's piped water supply area.

- *The developer is required to notify the Water Authority's Engineering Services at 949-2837, without delay, to be advised of the site-specific requirements for connection.*
- *The developer is required to provide the water-supply infrastructure, specified by the Authority, within the site.*
- *The developer shall submit plans for the installation of the specified infrastructure to the Authority for approval.*
- *The site's water-supply infrastructure shall be installed to the Authority's specifications, under the Authority's supervision. Copies of the Authority's specifications are available at the Water Authority's office on Red Gate Road.*
- *The developer's request to have the development connected to the Water Authority's public water system will be acted upon after the site's water-supply infrastructure has been installed in accordance with the WAC specifications, and passed specified tests.*

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

National Roads Authority #1

“As per your memo dated October 29th, 2009 and a subsequent meeting with applicant and agent on November 16th, 2009 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by a residential development of one-hundred and forty (140) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto South Sound Road is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 16% In</i>	<i>AM Peak 84% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 67% In</i>	<i>PM Peak 33% Out</i>
928	71	22	49	87	56	30

Traffic counts taken on South Sound Road east of Walkers Road from May 9th, 2009 to May 14th, 2009 show a weekday Average Daily Traffic (ADT) demand of

8,598 vehicles per day (vpd); two-way traffic volumes during the AM and PM peak hour conditions averages to about 1290 and 1050 per hour respectively.

Traffic volumes for 1999 are not available for the same count location on South Sound Road; however assessment of traffic counts observed west of the intersection of the Walkers Road intersection (near the South Sound community centre) reveal that daily traffic volumes were in the order of about 3,600 vpd while near the intersection of Old Crewe Road, South Sound Road accommodated about 4,600 vpd. It is therefore be surmised that in the decade that daily traffic demand along South Sound Road has nearly doubled.

It is also assumed that the traffic generated by the subject development will distribute onto the road network in a similar patterns to the observed current traffic conditions -that approximately 80% of the site traffic will be destined to or originate from the George Town area by utilizing the South Sound Road and Walkers Road intersection. Therefore, it is assumed that traffic generated by the proposed development onto South Sound Road would contribute an additional 8.6% (or 740 vpd) of traffic growth to the existing ADT along South Sound Road. The May 2009 raw traffic count data is attached for CPA perusal.

Section 26 Road Proposals

The NRA Board of Directors approved in February 2009 a proposal for expanding the network of long-term road corridor proposals that were gazetted under Section 26 of the Roads Law in May 2005. While those latest road proposals have not been endorsed by the current government nor been circulated to the Central Planning Authority for comments, the latest road scheme will have an impact on the subject development as a thirty-feet (30) wide road corridor is planned along the northern boundary - please see attached schematic for reference. Please note that provisions for this corridor have already been made by the neighbouring development. The NRA request that this corridor be preserved for drainage in the short term and in the long term will provide a much needed connection from the Grand Harbour area to Walkers Road.

As discussed in the meeting with the applicant and his agent on November 16 2009, two (2) options were noted,

1. Lose two (2) units on the rear buildings or
2. Reduce the width of the two (2) cut-thru's to a one-way width of sixteen (16)ft.

The applicant's agent needs to contact DEH in regards to the route of the garbage truck as this will affect the overall layout of the site.

Access and Traffic Management Issues

The entrance as proposed though sufficient will not function adequately for service vehicles, such as garbage and fire trucks, per the site line issues along South Sound Road. It would work more effectively as a combined entrance/exit. The NRA defers to DEH in regards to the functionality of the site, as noted above. Please see attached schematic showing the entry/exit movements of a garbage truck, notice the wide birth the garbage truck needs to take on the exit going east.

Please note NRA site line requirements: "The minimum intersection sight distances as measured from a point 15 feet back along the centreline of the minor road and three and one half feet (3 1/2') above the road surface shall be, two-hundred and thirty feet (230') for major road speed limits of 30 MPH as measured along the near edge of the running carriageway." The proposed five (5) ft high fence will either need to be set back or reduced to three and half (3 1/2) ft to meet NRA site line requirements.

Entrance and exit curves shall have no less than fifteen (15) feet radius curves.

A six (6) foot sidewalk shall be constructed on South Sound Road, within the property boundary, to NRA standards.

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 South Sound Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given.

The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads (Amendment) Law, 2004 (Law 11 of 2004). For the purpose of this Law, Section 16(g) defines encroachment on a road as

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

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

National Roads Authority #2

"The National Roads Authority refers to comments sent to Planning on November 20th, 2009 as well as a revised site plan per a meeting held on December 3rd, 2009 for the above-noted development. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

As noted on comments sent to Planning on November 20th, 2009.

Section 26 Road Proposals

The NRA is satisfied with the applicant's provision of twenty-five (25) ft for the proposed long term corridor along the site's northern boundary. This corridor may in the short term be used for drainage.

The NRA at this time does not require a driveway connection from this site to the future road corridor. However, a connection may be required in the future so, the area denoted on the site plan as boat parking should be kept free from development.

Access and Traffic Management Issues

The applicant noted that the access gates at the entry will remain open during the day (eg 7am - 7pm) and closed at night. The NRA is still not satisfied with this and with the location of the access gates at the entry/exit as it does not allow for adequate stacking space.

The NRA is satisfied with the provisions to accommodate the site line, by setting back both the five (5)ft high fence and statues.

All other access and traffic management issues remain as noted in comments sent to Planning on November 20th 2009.

Stormwater Management Issues

As noted on comments sent to Planning on November 20th, 2009."

Building Control Unit

"Please note that BCU has performed a Pre-CPA review for the above project;

below are the items listed for your attention.

- 1. Provide design criteria specifying Type of construction, building heights, means of egress,*
- 2. Provide a revised site plan showing dimension between buildings. The provided distances will determine if openings are permitted, the fire protection required etc. In addition to the above please submit areas of the site plan at a larger scale.*
- 3. Provide accessible route to clubhouse/gym.”*

PLANNING DEPARTMENT ANALYSIS

General

The application is for 140 apartments situated within 28 separate buildings. The application also includes a clubhouse, 3 pools, 2 tennis courts, perimeter fencing, 2 statues and entry gates.

Major Development Application

Pursuant to Section 6 of the Development and Planning Law (2008 Revision), the Central Planning Authority has the responsibility of reviewing major development applications with respect to: a) the potential impact on the Island's infrastructure; and b) other issues of national importance. The subject application qualifies as a major application with respect to Section 6 (2) a). Accordingly, the Authority must review this application with specific consideration given to Sections 6 (1), (3), (4), (5), (6) and Section 7. The following outline has been formulated to assist the Authority in reviewing the application with respect to the aforementioned sections of the Law. The Department has included responses for each section of the Law for the Authority's consideration.

Sec 6 (1) (a) Consider the likely impact of the proposed development on the infrastructure of the Islands as well as on the educational, social, medical and other aspects of life in the Islands:

Response: The impact of the proposed development will increase the traffic on South Sound Road..

Sec 6 (1) (b) Consider whether there are other issues of national importance which are relevant to the determination of the application for development and require evaluation:

Response: There are no other such aspects.

Sec 6 (1) (c) Consider whether there are technical or scientific aspects of the proposed development which are of so unfamiliar a character as to jeopardise a proper determination of the question unless there is a special inquiry for the purpose:

Response: There are no such aspects.

Sec 6 (1) (d) Identify and investigate the considerations relevant to, or the technical and scientific aspects of, the proposed development which in the opinion

of the Authority were relevant to the question whether the application should be approved:

Response: There are no such aspects identified in 6(1)(c) that need to be investigated.

Sec 6 (1) (e) Assess the importance to be attached to those considerations or aspects:

Response: There are no considerations to be assessed.

Sec 6 (3) The Law gives the Authority the discretion whether to permit the applicant for planning permission an opportunity to appear before the Authority and to be heard by five or more Members of the Authority:

Response: The applicant is not scheduled to address the Authority.

Sec 6 (4) Consider whether the development proposed in the application should instead be carried out at an alternative site:

Response: The Authority is recommended to discuss the suitability of the site's massing for this area.

Sec 6 (5) The Authority may arrange for the carrying out of research of any kind appearing to it to be relevant to an application referred to it:

Response: No additional research is necessary based on the consideration given to items 6(1)(a-e).

Sec 6 (6) The Authority may hold an inquiry, if it thinks it necessary, for the proper discharge of its functions:

Response: An inquiry is deemed not necessary.

Sec 7 The Authority shall, to the greatest possible extent consistent with its duties under the Law, consult with departments and agencies of the Government having duties or having aims or objects related to those of the Authority:

Response: The Authority should consider and take into account the agency reports presented thus far.

Development Plan

The application is in general conformity with the provisions of The Development Plan 1997.

Zoning

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

Specific Issues

a) Suitability

The proposed development does comply with Planning & Development Regulations for density, site coverage, building height and setbacks, however

the Department wishes to discuss the relative scale of the development compared to the immediate area.

The immediate neighbourhood is primarily vacant land, but also is a combination of single-family home development and some apartment development. The Department offers the following information of the nearby apartment developments:

Block	Parcel	Parcel Size	# of Units	Density	Height
15E	235	2.6 ac	29	11	2 storeys
15E	244	2.1 ac	25	12	2 storeys
15E	108	.97 ac	20	11	3 storeys
15D	37	.98 ac	8	8	2 storeys
15D	63	4.16 ac	34	8	3 storeys
15D	159	.53 ac	6	12	1.5 storeys
15E	202	12.47 ac	140	12	3 storeys

Although, in terms of density, the proposal is in keeping with what exists in the area, this site is much larger than the other multi-family sites and therefore can yield a much larger scale of development. The Authority is recommended to discuss whether this scale of development is suitable for the character of development that has been established in the area. For consideration, given the amount of developable land left, if this development is approved as presented, an additional 600 apartments could be built between The Lakes and The Avenue subdivisions.

Although the maximum density has been complied with, it could be viewed that in order to reach the proposed density that the site is somewhat overdeveloped. Many of the buildings are separated by the width of a sidewalk and there are parallel parking spaces instead of perpendicular spaces due to space constraints. Also the two central drives that connect the north and south drive-aisles are 16' wide for a single lane. Planning recommends these drives remain at 22-feet to allow for improved and more natural traffic circulation.

b) Access

NRA has recognized that the recent growth in this area has nearly doubled since 1999. With the large amounts of vacant land available along South Church Street, traffic increase is a concern. NRA has initiated plans for a new 30' wide road along the site's rear boundary, however the planning is in its initial phases. The applicant is providing a 25' wide strip along the rear property line to accommodate this future road. Planning further recommends a second driveway be designed at the rear of the property to provide future access to NRA's proposed road.

c) Fences

The typical maximum wall height allowed in a residential area is 4'. The applicant is proposing a 5'-4" tall wrought iron fence along the site's perimeter. The fencing will include 6'-8" tall columns with operational lanterns. The CPA is recommended to discuss the suitability of the fence height and having perimeter lighting adjacent to residential developments. Also, the Authority may recall a wall that was erected for another project of the applicant where the wall was placed on top of a berm thereby creating substantial wall height.

d) Tennis Courts

The Department has asked for details on any fencing and lighting that will accompany the tennis courts. The applicant has mentioned that fencing and lighting will be included, however no details have been provided. Based on the current site plan, the tennis courts are located 10' from the side property lines. Planning is concerned about the type of lighting that will be used and how it will affect the adjacent properties, once developed.

e) Front Setbacks

The applicant has designed the 5'-4" tall wrought iron fence to be located within the 20' front setback, along with two statues. CPA is recommended to discuss whether to grant a front setback variance for these items.

f) Access Gates

The entrance to the site will have two security gates that will be open from 7:00 am to 7:00 pm. Planning raises this as CPA has had concerns about security gates in previous applications. NRA has concerns regarding their locations; concerned there is not enough stacking space.

2. 4 AMD PROPERTIES LIMITED Block OPY Parcel 28 (FA83-0403) (P09-1166) (\$5,000) (CS)

Application for four (4) signs.

FACTS

<i>Location</i>	The Aall Building along North Church Street in Downtown Georgetown
<i>Zoning</i>	G COM
<i>Parcel Size</i>	6,098 sq. ft.
<i>Current Use</i>	Commercial
<i>Proposed Use</i>	Signs

BACKGROUND

February 4, 2009 (**CPA/05/09; Item 2.6**) - The Authority resolved to grant planning permission for a commercial addition.

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

1. Suitability in terms of size and number of signs.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for four (4) signs.

Zoning

The site is zoned General Commercial. While the signage is allowed in the zone, the Department wishes to discuss the following concerns.

Specific Issues

a) Suitability

The applicant is requesting two (2) 48 sq. ft. wall-mounted signs, two (2) 7 sq. ft. hanging signs, in addition to a sign that has received approval to be located on the façade that fronts North Church Street.

Per the Draft Sign Guidelines, one fascia sign is permitted per tenant building frontage. For establishments that have additional exterior walls that face a main thoroughfare, an establishment may have one additional sign, per frontage, at a smaller size.

This building only has one road frontage. The proposed signs face a vacant lot to the north and a commercial site to the south.

The building has one (1) wall mounted sign already approved that faces Harbour Drive. The applicant is proposing two (2) additional pedestrian oriented signs that will be wall mounted but readable to the pedestrian (7 sq. ft. each).

The two larger, wall mounted signs will be located in line with the fourth floor, therefore the south sign will be visible despite there being an existing commercial building.

Both signs are each 48 sq. ft. The Sign Guidelines recommend a maximum area equal to half the tenant frontage. Each side wall averages a 105' length, which given the recommendations of the Guidelines, the signs will comply. However, the CPA has typically considered a maximum size of 32 sq. ft. as a starting point for discussion.

Planning reminds the CPA that in June 2009 (CPA/17/09; Item 2.18), the board required the Flagship Building (OPY49) to comply with sign guidelines in terms of sizing, location and number of signs.

To comply with the sign guidelines, this building should not be granted the two 48 sq. ft. signs and only one pedestrian oriented sign.

2. 5 TROY WHITTAKER Block 54D Parcel 14 (FA83-0157) (P09-1275) (\$270,000) (CS)

Application for a house.

FACTS

<i>Location</i>	In Midland East, between Frank Sound Road and Serenity Lane
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	NA
<i>Parcel Size</i>	21,344 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	House
<i>Building Size</i>	2,695 sq. ft.
<i>Building Coverage</i>	14%
<i>Existing Parking</i>	2
<i>Proposed Parking</i>	3
<i>Required Parking</i>	2

BACKGROUND

In 1985 a house was approved for this site.

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

1. Lot size (21,344 sf v 25,000 sf)

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a house.

Zoning

The site is zoned Low Density Residential. The proposed use is allowed in the zone, however the Department wishes to discuss the following concerns.

Specific Issues

a) Lot Size

The parcel is 21,344 sq. ft. and has an existing house. As the site is zoned Low Density Residential, the minimum lot size required to allow for two houses is 25,000 sq. ft.

The Department notes that this neighbourhood consists of several lots that are undersized for houses. This parcel is one of the remaining parcels that have not been subdivided into two separate house lots, which appears to have been the past development pattern in this neighbourhood.

2. 6 ELIZABETH SMITH Block 28C Parcel 99 (FA89-0407) (P09-1252) (BES)

Application to modify planning permission to delete condition (7) of CPA/10/02; Item 5.01 (D).

FACTS

<i>Location</i>	Tuckerman Lane off Shamrock Road
<i>Zoning</i>	LDR
<i>Parcel Size</i>	14.7 acres

BACKGROUND

CPA/10/02; Item 5.01(D) - CPA granted planning permission for a twenty four (24) lot subdivision with conditions.

Recommendation: Discuss the applicant's request regarding condition (7) of CPA10/02; item 5.01.

LETTER FROM APPLICANT

“Please find attached our application for a modification of approval for the above subdivision. Our client is in the process of completing the subdivision which was begun 2002. As per the application, our client is requesting that the requirement for filling to 4ft above MSL (section 7) be made to apply to the roads only and not to the individual parcels.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for reconsideration of condition (7) of CPA/10/02; Item 5.01 for a twenty four (24) lot subdivision located on Tuckerman Lane off Shamrock Road, Savannah. Condition (7) of CPA/10/02; Item 5.01 reads that...*“The lot (s) shall be filled to a minimum of four (4') feet above mean sea level [i.e. one (1') feet above the Vidal Bench Mark]. After filling the site, you 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. If, in the opinion of the Director of M.R.C.U., any reclaimed land is below the required level, the person responsible for the reclamation shall bring up the level in compliance with such directions as shall be given by the said Director.”*

It should be pointed out that the subdivision is located in a low-lying area in Savannah.

2. 7 SPENCER DANIEL BENNETT Block 9A Parcel 294 (F06-0259) (P09-1282) (\$20,000) (DE)

Application for a temporary Government Trailer home.

FACTS

<i>Location</i>	Off Batabano Road and Uncle Bob Road, West Bay
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Advertisements</i>	NA
<i>Parcel Size</i>	.2900 acres
<i>Current Use</i>	Shed
<i>Proposed Use</i>	Temporary Trailer Home
<i>Building Size</i>	248 sq. ft.
<i>Density</i>	3
<i>Building Coverage</i>	3%
<i>Total Site Coverage</i>	3%
<i>Existing Parking</i>	1
<i>Proposed Parking</i>	1
<i>Required Parking</i>	1

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

1. Site suitability (nature of the application).
2. Time period for structure to be removed.

PLANNING DEPARTMENT ANALYSIS

The applicant is requesting planning permission to place a Government Trailer home located off Batabano Road and Uncle Bob Road in the District of West Bay for a period of two years.

The Department would like to point out that the subject parcel has an existing storage shed on site and the immediate area is surrounded by residential houses and apartments. The proposal has met all of the additional requirements such as setbacks, density and site coverage requirements for the LDR zone.

The Department has a concern with the length of time the structure will be on site.

2. 8 JEANNIE EBANKS Block 4C Parcel 349 (F00-0353) (P09-0148) (\$6,000) (DE)

Application for after-the-fact house additions, after-the-fact 6' 7" concrete wall and after-the-fact swimming pool and pool deck.

FACTS

<i>Location</i>	Off Marl Crescent Road
<i>Zoning</i>	HDR
<i>Notice Requirements</i>	Objectors
<i>Advertisements</i>	NA
<i>Parcel Size</i>	.1300 acres
<i>Current Use</i>	House
<i>Proposed Use</i>	Same
<i>Building Size</i>	1,183 sq. ft.
<i>Building Coverage</i>	23%
<i>Total Site Coverage</i>	23%
<i>Existing Parking</i>	2
<i>Proposed Parking</i>	1
<i>Required Parking</i>	1

BACKGROUND

Subsequent to a complaint on March 26, 2008, the Department conducted a site visit and that revealed the illegal construction of a carport and house addition, the erection of a wooden picket fence exceeding 3' 6" in height, and swimming pool.

A warning letter was sent via registered mail on March 28, 2008.

April 15, 2009 (**CPA/10/09; Item 2.2**) - It was resolved to adjourn the application, for the following reasons:

1. A registered fixed boundary survey of the subject parcel must be submitted within 6 months of the date of this decision.
2. The applicant must submit a letter from the owner of Block 4C Parcel 348 consenting to the application.

The applicant is reminded that the information required in the above conditions is necessary for the Authority to be in an informed position to consider the application. As such, submission of the requested information should not raise an expectation for subsequent approval.

Recommendation: Discuss the application, for the following reasons:

1. Pool and pool deck setbacks (3' & 1' instead of 20')
2. Height of the after-the-fact fence/wall (6'-7")
3. Lot combination

LETTER FROM APPLICANT

"I have submitted an application for a wall which exceeds the normal height of four feet due to the amount of person using the surrounding properties as a walk path.

I was in the process of purchasing part of my brothers (Machado A. Ebanks) property and have it surveyed but he increased the cost from \$20,000 to \$30,000 which was excessive for the size. Therefore, I am unable to obtain a consent letter from him.

Please find enclosed a consent letter from Matlee Anglin."

LETTER OF CONSENT

Letter #1

"Please be advised that I Matlee Anglin have no objection to the addition on 4C 349 owned by Jeanie D. Ebanks."

Letter #2

"I, Denton Small have no objection to Jeanie D. ebanks constructing a pool and a cement wall on 4C 349 next to my property."

OBJECTIONS

Verbal objection to the Department on several occasions and to the Director, Kenneth Ebanks in a meeting on March 19, 2009.

PLANNING DEPARTMENT ANALYSIS

General

The application is for after-the-fact House additions, after-the-fact 6' concrete wall and after-the-fact swimming pool and pool deck located off Marl Crescent Road.

Zoning

The property is zoned High Density Residential and while the proposed use is a permitted use per Regulation 9 (6), the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Setbacks

The Western boundary (side setback) is 6 feet from parcel 348 which does not comply with the side setback requirement for the High Density Residential zone per Regulation 9 (6) (i) which states "the minimum side setback is 10

feet for a building of one storey". The applicant has received a consent letter from the landowners of parcel 348.

The Northern boundary which is the front setback for the project is 2 feet from parcel 237 which does not comply with the front setback requirement for the High Density Residential zone per Regulation 9 (6) (h) which states "the minimum front setbacks are 20 feet." The applicant has not received a consent letter from the land owner of parcel 237 as that owner has verbally stated his objection to the Department on this project on several occasions. Therefore, the Department has invited the said parcel owner to the meeting.

The after-the-fact swimming pool and pool deck setbacks do not comply with the CPA guideline for swimming pool and pool deck as they are situated between 1' and 3' from the boundary instead of the required 20'. It is noted though that the applicant has received a consent letter from the owners of Parcels 154 and 155

b) Height of Fence/Wall:

The after-the-fact 6'-7" feet height wall/fence does not comply with the CPA's guideline for fences/walls. The wall/fence is made out of concrete and wood. The concrete portion is approximately 3'-7" in height and the picket wooden port of the wall/fence is 3' in height.

The CPA's guidelines recommend that fences/walls be 4' high in residential zones. However, the Department is aware of the use of the property and the possible need for a privacy fence, however, the Department is of the opinion that a 6'-7" wall/fence of any type is excessive and therefore would recommend that a 4' fence be approved in this instance.

c) Lot Combination

The Department would recommend that the applicant combine parcel 59 and 349 as the applicant is also the registered landowner of parcel 59.

d) Enforcement Notice

Subsequent to a complaint on March 26, 2008, the Department conducted a site visit and the site visit revealed the illegal construction of a carport and house addition, the erection of a wooden picket fence which over the 3' 6" in height and swimming pool.

A warning letter was sent via registered mail on March 28, 2008.

If the Authority refuses this application, the Department recommends that the Authority authorize the issuance of an Enforcement Notice in accordance with Section 18, Section 20, Section 21 and Section 22 of the Development and Planning Law (2008 Revision).

SUPPLEMENTARY ANALYSIS

April 15, 2009 (CPA/10/09; Item 2.2), it was resolved to adjourn the application, for the following reasons:

1. A registered fixed boundary survey of the subject parcel must be submitted within 6 months of the date of this decision.
2. You must submit a letter from the owner of Block 4C Parcel 348 consenting to the application.
3. You are reminded that the information required in the above conditions is necessary for the Authority to be in an informed position to consider the application. As such, submission of the requested information should not raise an expectation for subsequent approval.

The applicants have contacted the Department and informed the Department that they have removed the illegal house addition to the northern side of the boundary adjoining to Block 4C Parcel 237 (who previously objected to the after-the-fact additions). The Department Enforcement officer conducted a site inspection on November 19, 2009 @ 12:26pm to verify that the illegal house addition was removed. The said after-the-fact development has been removed (see photographs on planning file). Therefore, the Department is forwarding this application back to the Authority for further consideration.

2. 9 NIGEL TORRANCE Block 53A Parcel 129 (F08-0038) (P09-0475) (P09-1281) (\$74,600) (EJ)

Application for a double detached garage and after-the-fact gardeners shed.

FACTS

<i>Location</i>	Further Road in North Side
<i>Zoning</i>	A/R
<i>Notice Requirements</i>	NA
<i>Parcel Size</i>	44,300 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	Garage and After-the-Fact Shed
<i>Building Size</i>	746 sq. ft.
<i>Density</i>	1.96
<i>Allowable Density</i>	1
<i>Building Coverage</i>	4.5%
<i>Existing Parking</i>	1
<i>Proposed Parking</i>	2
<i>Required Parking</i>	2
<i>Number of Units</i>	1

BACKGROUND

March 19, 2009 (CPA/10/08; Item 2.24) - The Authority granted permission for a

three-storey five-bedroom house with detached double garage with upper bedroom and bath.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a double detached garage and after-the-fact gardeners shed. The subject after-the-fact gardeners shed is the result of enforcement action (CE09-0047) dated May 15, 2009.

Zoning

The property is zoned Agriculture Residential and while the proposed use is a permitted use per Regulation 21 (1) of the Development and Planning Regulations (2006 Revision), the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Proposed use

The Department has no concerns for to proposed double detached garage with half bath, which meets all planning requirements. However, the Department has concerns for the after-the-fact gardeners shed and shower, due to the fact that the subject shed could easily be converted into another liveable unit and therefore the Department is reluctant to process administratively since Regulation 21 (1) permits one house per acres in such zone.

The Department is of the opinion that the proposal would become another unit and therefore if the Authority approves as is, the Department recommends the following conditions;

1. The subject gardener shed, shall not be converted to a house without permission from the CPA,
2. One electrical meter only per site.

2. 10 TODD DAVEY Block 15B Parcel 153 (F02-0272) (P09-1289) (\$240,000) (DE)

Application to modify planning permission from apartments to two, (2) two-storey detached houses and a storage room.

FACTS

<i>Location</i>	Off South Church Street onto Sandalwood Crescent
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	NA
<i>Advertisements</i>	NA
<i>Parcel Size</i>	.4943 acres
<i>Current Use</i>	Apartments
<i>Proposed Use</i>	House
<i>Building Size</i>	4,803 sq. ft.
<i>Density</i>	4
<i>Building Coverage</i>	13%
<i>Total Site Coverage</i>	13%
<i>Existing Parking</i>	2
<i>Proposed Parking</i>	2
<i>Required Parking</i>	2

BACKGROUND

CPA/29/02; Item 4.04 - Approval granted for four (4) after-the-fact apartments

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

1. Lot Size/Density

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking to modify planning permission from apartments to two (2) two-storey detached houses and a storage room located off South Church Street onto Sandalwood Crescent. In 2002, the CPA granted approval for 4 after-the-fact apartments. The apartments were comprised of the two existing structures as well as some other additions. The current owner has removed all of the additions and is converting the two existing structures back to single family dwellings. Clearly, the houses are permitted in the LDR zone, but the Department would raise the following issues.

Specific Issues

a) Density

The proposed density is 4 units per this acre and in accordance with Regulation 9 (8) (a) "the maximum density is three detached houses per acre". The proposed is over density by 1 unit. Therefore, the proposal does not comply with this requirement. However, it should be noted that permission was previously granted for 4 apartments.

b) Lot Size

The lot size for both parcels is 0.4943 acres or 21,513.70 sq. ft. and in accordance with Regulation 9 (8) (d) "*the minimum lot size for detached houses is 12,500 square feet*". The required lot size for two (2) houses is 25,000 sq. ft. Therefore, the lot undersized for the proposal.

2. 11 CAYMAN ISLANDS AIRPORT AUTHORITY Block 20C Parcel 78 (FA83-0256) (P09-1191) (\$150,000) (CS)

Application for two (2) 413 sq. ft. retail buildings in front of the airport terminal building.

FACTS

<i>Location</i>	The Owen Roberts International Airport Complex
<i>Zoning</i>	AIRPORT
<i>Notice Requirements</i>	NA
<i>Parcel Size</i>	343 acres
<i>Current Use</i>	Airport
<i>Proposed Use</i>	Retail
<i>Building Size</i>	826 sq. ft.
<i>Required Parking</i>	2

BACKGROUND

The airport complex and its ancillary uses have been approved at this location.

Recommendation: Grant planning permission.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for two (2) 413 sq. ft. retail buildings in front of the airport terminal building.

Zoning

The site is zoned Airport Lands. While the proposed use is allowed in the zone, the Department wishes to discuss the following concerns.

Specific Issues

a) Parking

Parking requirements for retail developments require 1 stall per 300 sq. ft. of floor area. The applicant does not intend to add the required two parking spaces as there is ample parking available and the retail use will not likely attract customers who are not already parking at the airport for travelling purposes.

2. 12 ADARE INVESTMENTS LTD. Block 12E Parcel 103 (F06-0012) (P09-1195) (\$15,000) (BES)

Application for monument sign (74 sq. ft.).

FACTS

<i>Location</i>	West Bay Road
<i>Zoning</i>	N COM
<i>Notice Requirements</i>	No Objectors
<i>Building Size</i>	74 sq. ft.

Recommendation: Discuss the size of the sign.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission to erect a free-standing sign (74 sq. ft.) to be located at the Fidelity Financial Centre on West Bay Road.

Development Plan

The application is in general conformity with the provisions of The Development Plan 1997.

Zoning

The property is zoned Neighbourhood Commercial and while the proposed use is a permitted use per Regulation 13(9), the Department would offer the following comments regarding specific issue noted below.

Specific Issue

a) Size of Monument Sign

The size of the sign is as follows:

Length: 12'-4"; Width: 6'-0"; Area: 74 sq. ft. and reads "Fidelity Financial Centre with tenants signage" In accordance with the Sign Guidelines, the maximum size of a monument sign is 32 sq. ft.

It should be noted that the lettering sizes on the monument sign facade are as follows:

- * Fidelity Financial Centre (5.5 sq. ft.).
- * The area allocated for tenants (34 sq. ft.).

2. 13 PATRICIA DIXON Block 27E Parcel 53 (F95-0315) (P09-1245) (\$130,000) (CS)

Application for a 620 sq. ft. addition to create a duplex.

FACTS

<i>Location</i>	In Savannah on Devonshire Drive near Moonbeam Drive
<i>Zoning</i>	LDR
<i>Parcel Size</i>	13,142 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	Duplex
<i>Building Size</i>	2,226 sq. ft.
<i>Building Coverage</i>	12%
<i>Existing Parking</i>	3
<i>Required Parking</i>	2

BACKGROUND

1995 A house was approved.

Recommendation: Discuss the application, for the following reason:

1. Lot Size Variance (13,142 sf v 13,500 sf)

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a 620 sq.ft. addition to create a duplex.

Zoning

The site is zoned Low Density Residential. The proposed use is allowed in the zone, however the Department wishes to discuss the following concerns.

Specific Issues

a) Lot Size

The parcel is 13,142 sq. ft, while the minimum lot size allowed for a duplex is 13,500 sq. ft. The Department does not feel there is an existing hardship that merits granting a lot size variance.

2. 14 RAWLINE & HUNTER Block 17A Parcel 10 (FA85-0240) (P09-1266) (\$7,000) (CS)

Application for a pergola to cover five (5) existing parking spaces.

FACTS

<i>Location</i>	Regatta Office Park at the southeast corner of Lime Tree Bay Avenue and West Bay Road
<i>Zoning</i>	N COM
<i>Notice Requirements</i>	NA
<i>Parcel Size</i>	200 acres
<i>Current Use</i>	Office

BACKGROUND

The Regatta Office Park has been approved on this location.

Recommendation: Grant planning permission.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a pergola to cover five (5) existing parking spaces.

Zoning

The site is zoned Neighbourhood Commercial. The proposed use is allowed in the zone and the Department has no concerns regarding the proposal as it does not encroach any setbacks nor negatively impact existing parking spaces. The proposed pergola will be an uncovered trellis that is a similar design to the trellised sidewalks in the office complex.

3.0 ENFORCEMENTS

3.1 DANNY & CAROL PHILLIPS Block 1D Parcel 329 (CE09-0113) (CM)

Illegal wooden addition to a storage shed.

FACTS

<i>Location</i>	Caboose Lane, off Hell Road
<i>Zoning</i>	LDR
<i>Parcel Size</i>	0.042 acres
<i>Current Use</i>	As noted

BACKGROUND

The system was checked, no application was submitted for an addition to the storage shed on the property.

Recommendation: Authorize the issuance of an Enforcement Notice in accordance with Section 18 of the Development and Planning Law (2008 Revisions).

PLANNING DEPARTMENT ANALYSIS

Subsequent to a report, a check of the area revealed that there had been a second storey addition to an existing shed that had been on the property. A check of the records revealed that there had been no submission of an application for the said addition which is in breach of the Development and Planning Law (2008 Revision).

Photo Evidence

See attached photos in the file.

Draft Enforcement Notice

THE CENTRAL PLANNING AUTHORITY

ENFORCEMENT NOTICE

DEVELOPMENT & PLANNING LAW (2008 REVISION) S.18 (1)

TO: Danny & Carol Phillips
OF: General Delivery
Grand Cayman KY1-1300
Cayman Islands

WHEREAS

- (1) You are the occupier(s) of the land ("the land") and the registered landowner of the land ("the land") known as Block 1D Parcel 329, West Bay North West Registration Section.**
- (2) It appears to the Central Planning Authority of the Cayman Islands ("the Authority") that, within the period of three years before the date of service of this notice, development of the land has been carried out without the grant of permission required in that behalf under Part III of the Development and Planning Law (2008 Revision) ("the Law"), namely:
An illegal second storey addition to a shed.
- (3) The Authority considers it expedient, having regard to the provisions of the Development Plan and to all other material considerations, to serve this notice.

The Authority accordingly gives you notice pursuant to Section 18 of the Law requiring you to take the following step:

Remove the second storey addition returning the shed to its original condition or submit an application seeking approval for the second storey addition.

The above step must be completed within the period of 30 days from the date when this Notice takes effect.

This Notice shall take effect, subject to the provisions of section 18(5) and (6) of the Law, at the end of the period of 30 days from the date of service hereof.

Dated this _____ day of _____, 2009.

Director of Planning (Acting)

NOTES:

1. If you are aggrieved by this Notice and wish to appeal against it, you must do so to the Summary Court in accordance with the provisions of section 19 of the Law before the Notice takes effect. The operation of the Notice will be suspended pending the final determination of any such appeal.
2. If, before this Notice takes effect, an application is made for planning permission for the unauthorized development in accordance with the provision of section 18(6) of the Law, the operation of the Notice will be suspended pending the final determination of the application, and will take effect immediately if the permission applied for is not granted.
3. Failure to comply with this Notice is a criminal offence pursuant to Section 21 of the Law with liability on summary conviction to a fine of \$5000, and in the case of a continuing offence, by a further fine of \$1000 for every day after the first day during which the requirements of this Notice remain unfulfilled.

3.2 OWEN DESMOND MCGEE Block 24D Parcel 26 (CE09-0186) (CM)

Illegal processing of materials.

FACTS

<i>Location</i>	Mallard Drive, Patrick's Island
<i>Zoning</i>	LDR
<i>Parcel Size</i>	0.332 acres
<i>Current Use</i>	As noted

BACKGROUND

Planning Department records was checked, no application was submitted for processing materials on the property.

Recommendation: Authorize the issuance of an Enforcement Notice in accordance with Section 18 of the Development and Planning Law (2008 Revisions).

PLANNING DEPARTMENT ANALYSIS

Subsequent to a report, a site inspection revealed the processing of materials on the property. A check of the records revealed that there had been no submission of an application seeking permission for the said processing of materials on the property which is a breach of the Development and Planning Law (2008 Revision).

Photo Evidence

See attached photos in the file

Draft Enforcement Notice

**THE CENTRAL PLANNING AUTHORITY
ENFORCEMENT NOTICE
DEVELOPMENT & PLANNING LAW (2008 REVISION) S.18 (1)**

**TO: Owen Desmond McGee
OF: P.O. Box 132
Grand Cayman KY1-1101
Cayman Islands**

WHEREAS

- (1) You are the occupier(s) of the land ("the land") and the registered landowner of the land ("the land") known as Block 24D Parcel 26, Spotts Registration Section.**
- (2) It appears to the Central Planning Authority of the Cayman Islands ("the Authority") that, within the period of three years before the date of service of this notice, development of the land has been carried out without the grant of permission required in that behalf under Part III of the Development and Planning Law (2008 Revision) ("the Law"), namely:
Illegal processing of materials.
- (3) The Authority considers it expedient, having regard to the provisions of the Development Plan and to all other material considerations, to serve this notice.

The Authority accordingly gives you notice pursuant to Section 18 of the Law requiring you to take the following step:

Cease the processing of materials.

The above step must be completed within the period of 30 days from the date when this Notice takes effect.

This Notice shall take effect, subject to the provisions of section 18(5) and (6) of the Law, at the end of the period of 30 days from the date of service hereof.

Dated this _____ day of _____, 2009.

Director of Planning (Acting)

NOTES:

1. If you are aggrieved by this Notice and wish to appeal against it, you must do so to the Summary Court in accordance with the provisions of section 19 of the Law before the Notice takes effect. The operation of the Notice will be suspended pending the final determination of any such appeal.
2. If, before this Notice takes effect, an application is made for planning permission for the unauthorized development in accordance with the provision of section 18(6) of the Law, the operation of the Notice will be suspended pending the final determination of the application, and will take effect immediately if the permission applied for is not granted.
3. Failure to comply with this Notice is a criminal offence pursuant to Section 21 of the Law with liability on summary conviction to a fine of \$5000, and in the case of a continuing offence, by a further fine of \$1000 for every day after the first day during which the requirements of this Notice remain unfulfilled.

3.3 ALLEN RAMOS Block 13D Parcel 289 (CE09-0185) (CM)

Illegal storage of derelict vehicles and metal containers.

FACTS

<i>Location</i>	Washington Blvd, junction of Bristol Avenue and Woodlake Drive
<i>Zoning</i>	HDR
<i>Parcel Size</i>	0.24 acres
<i>Current Use</i>	As noted

BACKGROUND

The system was checked, no application was submitted for storage of vehicles and metal containers on the property.

Recommendation: Authorize the issuance of an Enforcement Notice in accordance with Section 18 of the Development and Planning Law (2008 Revisions).

PLANNING DEPARTMENT ANALYSIS

Subsequent to a report, a check of the area revealed that there is a number of derelict vehicles and metal containers on the property. A check of the records revealed that there had been no submission of an application for the said storage of derelict vehicles and metal containers which is in breach of the Development and Planning Law (2008 Revision).

Photo Evidence

See attached photos in the file.

Draft Enforcement Notice

**THE CENTRAL PLANNING AUTHORITY
ENFORCEMENT NOTICE
DEVELOPMENT & PLANNING LAW (2008 REVISION) S.18 (1)**

**TO: Allen Ramos
OF: P.O. Box 1212
Grand Cayman KY1-1108
Cayman Islands**

WHEREAS

- (1) You are the occupier(s) of the land ("the land") and the registered landowner of the land ("the land") known as Block 13D Parcel 289, George Town Central Registration Section.**
- (2) It appears to the Central Planning Authority of the Cayman Islands ("the Authority") that, within the period of three years before the date of service of this notice, development of the land has been carried out without the grant of permission required in that behalf under Part III of the Development and Planning Law (2008 Revision) ("the Law"), namely:
Illegal storage of derelict vehicles and metal containers.
- (3) The Authority considers it expedient, having regard to the provisions of the Development Plan and to all other material considerations, to serve this notice.

The Authority accordingly gives you notice pursuant to Section 18 of the Law requiring you to take the following step:

Remove the derelict vehicles and metal containers.

The above step must be completed within the period of 30 days from the date when this Notice takes effect.

This Notice shall take effect, subject to the provisions of section 18(5) and (6) of the Law, at the end of the period of 30 days from the date of service hereof.

Dated this _____ day of _____, 2009.

Director of Planning (Acting)

NOTES:

1. If you are aggrieved by this Notice and wish to appeal against it, you must do so to the Summary Court in accordance with the provisions of section 19 of the Law before the Notice takes effect. The operation of the Notice will be suspended pending the final determination of any such appeal.
2. If, before this Notice takes effect, an application is made for planning permission for the unauthorized development in accordance with the provision of section 18(6) of the Law, the operation of the Notice will be suspended pending the final determination of the application, and will take effect immediately if the permission applied for is not granted.
3. Failure to comply with this Notice is a criminal offence pursuant to Section 21 of the Law with liability on summary conviction to a fine of \$5000, and in the case of a continuing offence, by a further fine of \$1000 for every day after the first day during which the requirements of this Notice remain unfulfilled.

4.0 DEVELOPMENT PLAN MATTERS

5.0 PLANNING APPEAL MATTERS

6.0 MATTERS FROM THE DIRECTOR OF PLANNING

6.1 DEPARTMENT OF ENVIRONMENT PRESENTATION

Appearance at 1:40.

7.0 CPA MEMBERS INFORMATION/DISCUSSIONS