

Central Planning Authority

Minutes for a meeting of the Central Planning Authority held on January 20, 2010 at 10:30 a.m. in the Conference Room, 1st Floor, Regatta Office Park – Leeward One.

2nd Meeting of the Year

CPA/02/10

Mr. A. L. Thompson (Chairman)

Mr. Steve McLaughlin (Deputy Chairman)

Mr. Peterkin Berry

Mr. Peter Campbell (except 2.8)

Mr. Ernie Hurlstone (absent)

Mr. Philip Hydes (absent)

Mr. Ray Hydes (apologies)

Mr. Gillard McLaughlin

Mr. Rex Miller

Mr. Allan Myles

Mr. Eldon Rankin

Mr. Helbert Rodriguez

Mr. Antonio Smith (apologies)

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**

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2. 2 ELBERT FORBES Block 44B Parcel 296 (F07-0213) (P09-1276) (\$325,000) (DE) 10
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APPLICANTS THAT APPEARED BEFORE THE CENTRAL PLANNING AUTHORITY

APPLICANT NAME	TIME	ITEM	PAGE

1.0 CONFIRMATION OF MINUTES

1.1 Confirmation of Minutes of CPA/01/10 held on January 6, 2010.

Moved: Gillard McLaughlin

Seconded: Peter Campbell

Confirmed

2.0 APPLICATIONS

REGULAR AGENDA (Items 2. 4 TO 2. 17)

2. 1 JOEY HEW Block 20B Parcel 369 (F97-0379) (P09-1212) (P09-1346) (P09-1215) (\$2.5 million) (BES)

Application for mixed-use building (commercial and warehouse storage) and generator (300 gallons).

FACTS

<i>Location</i>	Opposite the DotCom Centre Building on Dorcy Drive
<i>Zoning</i>	LI
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	1.19 acres
<i>Building Size</i>	14952 sq. ft.
<i>Building Coverage</i>	25.5%
<i>Parking Coverage</i>	46%
<i>Total Site Coverage</i>	71.5%
<i>Proposed Handicapped Spaces</i>	3
<i>Proposed Parking</i>	51
<i>Required Handicapped Spaces</i>	2
<i>Required Parking</i>	36

BACKGROUND

CPA/09/03; Item 3.18 - The Authority granted planning permission for a warehouse with conditions.

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

Conditions (1-4) 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 showing a 6' wide sidewalk along Portland Road.
- 2) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 3) The applicant shall submit a Stormwater Management plan designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. **The applicant should liaise**

- 4) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.gov.ky) under Policy Development, Policy Drafts.*

In addition to Building Permit requirements, condition (5) listed below shall be met before a Building Permit can be issued.

- 5) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads and properties. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.
- 6) 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.
- 7) 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 all of the above conditions.

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

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level, [i.e. two feet (2') above the Vidal Bench Mark].

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.**

AGENCY COMMENTS

Comments from the Chief Fire Officer and Water Authority are noted below.

Chief Fire Officer

“The CFO approved the site layout.”

Water Authority

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

Wastewater Treatment:

- *The developer shall provide a septic tank with a capacity of at least 2,000 US gallons for the proposed warehouse. The septic tank shall be constructed in strict accordance with the Authority's standards.*
- *All treated effluent shall be discharged into a disposal well by gravity-flow. The disposal well shall be constructed in strict accordance with the 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. 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 the dimensions of the lot.*

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.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for a mixed-use development (commercial and industrial) 14,952 square foot, 2 storey office building. The site is located opposite the DotCom Centre Building on Dorcy Drive. The proposal consists of offices/warehouse storage on the ground floor and offices/storage on the second floor

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)(e). 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 be minimal.

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 site is suitable for the proposed development.

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 Light Industrial and while the proposed use is a permitted use per Regulation 12(4), the Department would offer the following comments regarding specific issues noted below.

Specific Issues

a) Aesthetic

The Department would suggest that the finish building material of the south building elevation should be revised to match the same stucco finish on the ground floor of the north and east building elevations.

b) Sidewalk

As indicated on the site plan, the applicant is proposing to reduce the width of the sidewalk from 6' to 4' on Portland Road. The Authority should determine whether or not reducing the sidewalk is acceptable from a planning perspective.

2. 2 ELBERT FORBES Block 44B Parcel 296 (F07-0213) (P09-1276) (\$325,000) (DE)

Application for a two storey building with the ground floor level as commercial, and the second floor as residential use.

FACTS

<i>Location</i>	Off Bodden Town Road next to the Pirate Cave
<i>Zoning</i>	N COM
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.84
<i>Current Use</i>	Mix-Use Development
<i>Proposed Use</i>	Mix-Use development
<i>Building Size</i>	2,542 sq. ft.
<i>Building Coverage</i>	13.36%
<i>Parking Coverage</i>	21.62%
<i>Total Site Coverage</i>	34.98%
<i>Existing Parking</i>	6
<i>Proposed Handicapped Spaces</i>	1
<i>Proposed Parking</i>	9
<i>Required Parking</i>	6
<i>Number of Units</i>	2

BACKGROUND

June 27, 2007 (CPA/19/07; Item 2.15) - It was resolved to grant planning permission for a mix-use development (commercial/Residential).

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

Conditions (1-3) listed below shall be met before building permit drawings can be submitted to the Building Control Unit.

- 1) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 2) The applicant shall submit a Stormwater Management plan designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. **The applicant should liaise**

directly with the NRA in submitting the stormwater management plan.

- 3) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.gov.ky) under Policy Development, Policy Drafts.*
- 4) 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.
- 5) 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 all of the above conditions.

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

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level, [i.e. two feet (2') above the Vidal Bench Mark].

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.**

AGENCY COMMENTS

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

National Roads Authority

“As per your memo dated December 1, 2009 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issue

Site is larger than shown on proposed plan.

Road Capacity Issues

The traffic demand to be generated by a Mixed-Use development of two (2) multi-family units and two (2) art galleries has been assessed in accordance with ITE Code 220 & 879. 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 Bodden Town 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>
13	1	1	1	1	1	

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 50% In</i>	<i>AM Peak 50% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 50% In</i>	<i>PM Peak 50% Out</i>
18	2	1	1	4	2	2

Based on these estimates, the impact of the proposed development onto Bodden Town Road is considered to be minimal.

Access and Traffic Management Issues

Tire stops (if used) shall be place in parking spaces such that the length of the parking space is not reduced below the sixteen (16) feet minimum.

Access maybe a problem if applicant decides to expand any further. NRA notes the possible access for Leroy Fredrick (Block 44B Parcel 76)

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 worst 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.*
- *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."

Water Authority

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

Wastewater Treatment:

- *The developer shall provide a septic tank with a capacity of at least 1,000 US gallons for the proposed mixed-use development. The septic tank shall be constructed in strict accordance with the Authority's standards.*
- *All treated effluent shall be discharged into a disposal well by gravity-flow. The disposal well shall be constructed in strict accordance with the 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. 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 the dimensions of the lot.*

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.”

Chief Environmental Health Officer

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

Additional bin must be added to the site, taking the total to 6 32 gallon bins. An enclosure must be built for the new bins and they shall be placed no further than 3 feet from the road side.”

Chief Fire Officer

“Approved for planning permit only.”

Building Control Unit

“The art studios will be required to have an accessible entry. The units upstairs will have to be fire rated construction if a third floor is added within the tall ceiling with the dormers.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is proposing a two storey building with the ground floor level as commercial, and the second floor as residential use. The total building area is 2,542 sq. ft. in size.

On June 27, 2007 (CPA/19/07; Item 2.15) - It was resolved to grant planning permission for a mix-use development (commercial/Residential). This development has been constructed and completed with a Final C.O. from the Department.

Development Plan

The application is in general conformity with the provisions of the Development Plan 1997 as set out in Section 3.06 (1), (2) and (3).

Zoning

The subject parcel is zoned Neighborhood Commercial/ Medium Density Residential land and the proposed use is a permitted use per Regulation 9 (7) and 13 of the Development and Planning Regulations (2006 Revision). The Department has no specific issues with the subject proposal.

2. 3 LEILA & ROSS ORSER Block 2C Parcel 27 (F09-0400) (P09-1340) (\$4,500) (CS)

Application to reconfigure two parcels.

FACTS

<i>Location</i>	In West Bay, off Water Course Road near North West Point Road
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	8,712 sq. ft.
<i>Current Use</i>	House

BACKGROUND

There is no planning history for this site, however there is an existing house.

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

- 1) The 10’ wide strip of land must be combined with Block 2C Parcel 25.
- 2) The surveyor's final drawing **shall include the surveyed dimensions of all lots** and shall be submitted to the Planning Department for approval prior to the survey being registered.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission to reconfigure two parcels.

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 owners of Parcel 25 wish to add a 10’ wide strip from Parcel 27 in order to own the land that contains a 10’ vehicular easement that serves as their legal access.

Both parcels are considerably undersized per Section 9 (8)(d) of the Development & Planning Regulations (2006 Revision) which states the minimum lot size shall be 12,500 sq. ft. for detached houses. Parcel 25 is 4,356 sq. ft., while Parcel 27 is 8,712 sq. ft. The reconfiguration would increase Parcel 25 to 5,556 sq. ft. while reducing Parcel 27 to 7,512 sq. ft.

b) Setbacks

The existing house on Parcel 27 is setback 19’ from the side property line. The proposed change would reduce the setback to 9’. Planning also notes there appears to be an existing shed within the 10’ strip and therefore encroaches the existing and proposed side setbacks.

c) Consent

Planning notes the owner of Parcel 27 has provided written consent to the reconfiguration request.

2. 4 ANDY PARSONS Block 59A Parcel 92 (F03-0037) (P09-0982) (CS)

Application for consideration of the submitted stormwater management plan.

FACTS

<i>Location</i>	In Midland East off Seaview Drive
<i>Zoning</i>	A/R
<i>Notice Requirements</i>	NA
<i>Advertisements</i>	NA
<i>Parcel Size</i>	100 acres
<i>Current Use</i>	Subdivision
<i>Proposed Use</i>	Subdivision

BACKGROUND

May 27, 2009 (CPA/15/09; Item 2.5) - The Authority granted planning permission for a 252-lot residential subdivision and a 12-foot deep lake excavation.

July 8, 2009 (CPA/18/09; Item 2.14) - The Authority resolved to modify planning permission to allow a 20-foot maximum depth for the subdivision lake.

Decision: It was resolved to adhere to planning permission CPA/15/09; item 2.5 (as previously modified). For purposes of clarity, the stormwater management plan must include drain wells in the road around the lake that may **NOT** drain to the lake. The total number of drain wells for the entire subdivision must be in accordance with the requirements of the National Roads Authority.

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

“The Department's Technical Review Committee provides the following comments for consideration with regards to the submitted plan.

- 1. The Department does not object to the lake being used to contain stormwater from the site ONLY if this water is treated to remove pollutants prior to entering the lake. Hydrocarbons, heavy metals and other pollutants from roadways can contribute to poor water quality as well as soil, fertilizers and insecticides from residential lawns.*
- 2. The Department supports the replanting of vegetation around the lake with the appropriate native plants that will support the filtering of pollutants entering the lake. The transplanting of vegetation on the property and the use of seeds found within the excavated peat is also encouraged.*
- 3. The Department does not support stocking the lake with wildlife or feeding wildlife within the lake.*
- 4. The Department noted in the initial excavation application that with an increase in depth would come an increase in issues with water quality. The deeper the water body the less likely sunlight will reach the bottom to support the establishment of aquatic vegetation. While it is true that aquatic vegetation that may establish in the lake may provide oxygen during the day this does not occur at night and oxygen levels can plummet.*
- 5. While the lake is large the depth of it would limit the circulation by wind to only the top few meters thus causing stratification and poor water quality.*
- 6. The applicant has noted that an aeration devise could be installed if water quality degrades in the future. The Department would encourage the developer to be proactive with ensuring that the lake has good water quality since it is unclear who the responsibility will fall on in the future when all the lots have been sold.*
- 7. The Department would like to remind the applicant that the DoE is not responsible for rectifying any water quality problems associated with this or any other excavated lake should they arise, especially when recommendations provided have not been implemented.”*

APPLICANT'S LAKE MAINTENANCE PLAN

“After meeting with DoE today and discussing the water quality matters we have re written our water management plan regarding the completed excavation of the 20' deep proposed lake on this sub division to clarify some of the points covered in better detail.

The storm-water plan requested by the NRA required us to use the lake as Storm Water drainage for the surrounding perimeter road and adjacent lots so to lessen the reliance on deep wells on this relatively low lying land. The access roads will be built up to the minimum 4-00 above MSL datum level and the majority of the site the roads will be cambered to the edges. On the lake's perimeter road is mono-pitched towards the lake to prevent any water settling due to grading of adjacent lots and thereby preventing aquaplaning of cars breaking in wet weather. This may create additional run off into the lake across the ring of lots surrounding the lake and may cause top soil and seeds to be washed into the lake along with any first flush road deposits. To reduce this, the completed lots will be dressed with the recovered peat from the excavations from the site to allow wild landscaping to grow until the lots are sold and developed. Along the edge of the lake a buffer of native plants on the land side of the lake to prevent erosion and excess water from entering the lake.

Additionally, the finished lake will have stepped underwater banks mainly for safety reasons, however the underwater ledge created for this will be planted with native water plants such as bulrushes, red mangrove and button wood to create a natural bio- filter to treat run off from the surrounding lots and any bio- rubbish which is driven either by currents or wind across this lake.

The plants chosen will be either relocated from areas within the site or surrounding land to try and so to use compatible seeds for the location. The recovered peat should be impregnated with local plant seeds naturally, which should start to grow in the first rainy season without the need for chemical fertilizers, which will do more damage than good to the water quality.

Although there are right angles shown on the drawing plans, when the lake is actually excavated these will be rounded off and sloped to prevent erosion of the building lots and thus prevent flotsam build up due to still areas developing due to the eddies or currents created in this large expanse of water.

Due to the lake's size the water quality should naturally maintain itself after the disturbed marl) limestone rock fines precipitate out of solution and settles on the bottom. Once organic matter starts to build up on the bottom and sides of the pond and start decomposing then water based weeds and plants will start to grow. As Cayman is a sunny location there should be high deposits of dissolved oxygen in the water from photosynthesis from these plants. The lakes is 20' deep so the potential for reduction of dissolved oxygen from high air temperatures in the summer months should be reduced as the water temperatures at lower level should remain cooler.

The winds create surface currents and, whilst these may not affect the deeper strata of the lake should prevent surface material from blocking out sun light to the underwater plants. Whilst we do have overcast days in the rainy season, these should not reduce the dissolved oxygen levels. The developer does not intend to fish stock the lake, although natural seeded fish cannot be ruled out from living in the lake.

The future owners of the property will be advised not to use chemical fertilizers or pesticides to maintain their gardens, however this cannot be ruled out due to the general lack of education on these matters amongst the landscaping vendors & residents on this island with regard to the toxicity problems from these products

In conclusion

We believe due to the size and depth of the proposed lake the natural growth of water based weed and a buffer of bulrushes, red mangrove etc should provide a sustainable filter to maintain the water quality from runoff and depleting oxygen levels, which are the two main causes of poor water quality. If the water quality declines in the future due to owner's miss- use of landscaping chemicals then we can install an aeration windmill to pump air into the lower levels of the lake.

Please contact us directly if there are any points that require further explanations.”

LETTER FROM APPLICANT

“I hereby ask your Honorable Board that it's earliest possible convenience, to reconsider this condition, and not make it mandatory for the following reasons.

1). Provisions for additional access.

In the early planning stage of this subdivision, I could see that alternative access routes would be of great benefit to my purchasers. Provision was made for this in the plan to 59A217 on the North East corner, and on the South East corner, the latter of which is the subject of this provision in the plan. I also provided for an access to 59A96, 59A91 and to the proposed East West Arterial. These and other possibilities will be vigorously pursued.

2). Agreement for second access.

Initially, I made contact with the Husband of the proprietor of parcels 59A 68 and 217 through Mr. Broderick, our surveyor, (who advised he is also the surveyor for the subject proprietor for these parcels) for mutual access to our properties. He advised me that the party was willing for this arrangement was they were currently planning to develop these parcels. I also made contact a few times later with him personally, advising of the progress and I was assured that the agreement was still ok.

3). Proprietor's change of plans

I presented the documentation for signing on the evening of September 10th. I was advised at that time that their financial situation had changed, and is forcing them to put the property on the market for sale. I was offered the option to purchase 50 acres of Parcel 217 for US\$1,000,000.00 and Parcel 68 for US\$80,000.00. I obviously indicated my interest but advised that I would like some flexibility in time, and that the price seemed significantly above the market price. With few words, he indicated that the price is not negotiable and the time allowed to make the purchase has little or no inflexibility. I indicated that I would have to borrow the funds, and that I would approach my bank immediately. I advised him that if the bank was so disposed to lend, the process could take a substantial amount of time. For the sake of brevity, I would just say that the conditions imposed make these negotiations very difficult.

4). Difficulty of financing.

A). My banker was advised of this new development on September 11th. Their first response was the existing market conditions, secondly that the price is possibly above market value, thirdly that my borrowing requirement will be very high, fourthly that an application of this magnitude the initial loan in addition to this loan now has to go through 3 different credit committees at their Head Office.

B). As indicated before, I understand the importance and benefits of alternative accesses. If your Board will consider not to make this condition mandatory, it will give me better conditions from which to negotiate the price with the subject proprietor, and/or with other proprietors.

C). I ask you to also consider that if the negotiation with this proprietor fails, and this access is mandatory, it could have the affect of placing me into bankruptcy.

5). Size of development and urgency for a second access.

A). It was mentioned in one of the meetings that the size of this development warrants a second access. In your deliberation, based on the following, I ask you to consider if the of the urgency of this second access makes it necessary for it to be a mandatory pre-condition:

a) a). the length of time it will take to complete this project, b). the length of time it will take to sell the lots,

b) c). and the time it will take before the purchasers build on them.

B). I feel quite strongly that by time this development reaches the stage to where the size will become a factor, that with my determination, a second access will be provided. It is quite possible that in that timeframe, the East West Arterial will be advanced to where it will become an alternative access.

C). I ask you to also consider that the main access is 50 feet wide, and that there is approximately 15 additional feet on the West side that is planned for landscaping. This could also be used to bring the main access to 65 feet if becomes necessary.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting removal of CPA condition 1)a) "Prior to the commencement of any site works such as filling, grading and road construction, you shall submit...proof of registration of a secondary access to the subdivision via a 30-foot vehicular easement over Block 59A Parcels 68 and 217."

The applicant has attached a letter explaining his reasons for the requested removal.

Specific Issues

a) Access

Without the approved secondary access, the subdivision has only one direct connection to an arterial road. Additional access points have been incorporated into the overall subdivision design, however without the applicant obtaining access rights on the adjacent properties, the subdivision's circulation does not improve.

The applicant does have a secondary access point to connect to the future E-W bypass, however the Department does not have an approximate completion date.

The Authority is recommended to determine the merits of the applicant's letter, although the Department stresses financial duress is not a valid reason to develop a subdivision that does not provide adequate access. If flooding occurs or there is an emergency that blocks access to the only entrance, then the lots are inaccessible.

A possible solution may be to allow only a certain number of lots may be finalized until a second access point is secured.

b) Stormwater Management Plan

Condition 1)b) of the original approval states; "b) A revised stormwater management plan prepared in accordance with the requirements of the Managing Director, NRA and approved by the Central Planning Authority, that provides the following:

1. There shall be no direct drainage to the lake from the road system.
2. The proposed catch basins shall be connected to a deep well.
3. 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. The applicant is further advised that the plan must

include provision to allow the drainage from the south-east portion of the subject site and the adjacent lands thereto to flow to the North Sound."

The applicant has submitted a revised Stormwater Management Plan which no longer provides for direct drainage to the lake and also connects the catch basins to the deep wells.

However, the revised SWMP provides for a lesser number of deep wells than the original plan (94 v. 88). A question arises whether this is adequate as there will not be direct drainage to the lake, that there will be increased runoff to the roads, which would require more deep wells, not less.

As neither the applicant nor NRA have been able to come to an agreement on a suitable SWMP design, both parties have been invited to discuss the matter before the Authority.

SUPPLEMENTARY ANALYSIS

As recommended by the Authority, the applicant and NRA have worked together on a phasing plan for the stormwater management plan.

However, the most current plan now raises concerns from the Planning Department and Department of Environment. The most current plan does not have any deep wells in the road that circles the lake. Instead, the road will be graded to drain onto the perimeter lake lots, which will also drain to the lake.

Both the Department and DOE are concerned that the perimeter lots may not offer enough filtration of the road pollutants and therefore negatively impact the lake's water quality.

Additionally, the applicant states that the wind will provide adequate water circulation given the size of the lake. DOE recommends an aeration device as wind will not circulate the waters at deeper depths.

DOE's comments and the applicant's Lake Maintenance Plan are included in this report.

2. 5 RAYMOND DELISSER Block 15B Parcel 287 (FA87-0108) (P09-1320) (\$5,000) (EJ)

Application for a wood shed (200 sq. ft.) to be used for storage.

Mr. Peter Campbell declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Websters Drive in Websters Estate
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	NA
<i>Parcel Size</i>	31,363 sq. ft.
<i>Current Use</i>	Vacant

<i>Proposed Use</i>	Storage Shed
<i>Building Size</i>	200 sq. ft.
<i>Density</i>	1.38
<i>Allowable Density</i>	3
<i>Building Coverage</i>	0.63%
<i>Number of Units</i>	1

Decision: It was resolved to adjourn consideration of the application until such time as an application for planning permission to construct on Block 15B Parcel 311 has been submitted and considered by the Authority.

LETTER FROM APPLICANT

“We are in the process of making application for an extension to the building presently located on Block 15B Parcel 311. The owner of the adjacent lot, Block 15B Parcel 287 has kindly given permission for us to erect a storage shed on their parcel to facilitate us in storage of construction materials. A copy of this consent is attached.

I am therefore, asking Central Planning Authority to give permission for the construction of this shed.”

LETTER OF CONSENT

“As the owners of the above piece of land we have no objection to Dandy Investments limited, the owner of the adjoining property South Sound Block 15B Parcel 311, erecting a permanent shed on our above property with dimensions of the order of 20 feet long by 10 feet wide by 10 feet high.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking the Authority’s permission for the proposed 20’ metal container (200 sq. ft.) to be used for storage.

Zoning

The property is zoned Low Density Residential.

Specific Issues

The container is to be used as a temporary/permanent structure on a vacant parcel next to the applicant’s parcel which has been developed with a house. The Department is of the opinion that the applicant has more than sufficient space to locate the container on his own parcel (311) which has an existing house. However, the applicant has obtained a letter of consent from the adjacent parcel in order for him to locate the proposed shed.

The Department and the Authority has traditionally discouraged metal containers for residential use and in residential zone. The Authority should decide whether they want to allow or continue to discourage metal containers for residential uses or temporarily approve until June of 2010.

2. 6 BLOSSOM FISHER Block 27D Parcel 166 (F09-0405) (P09-1356) (\$3,500) (EJ)

Application for a two (2) lot subdivision.

FACTS

<i>Location</i>	College Close
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	21,344 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	Subdivision
<i>Density</i>	4.08
<i>Allowable Density</i>	3
<i>Building Coverage</i>	13.45%
<i>Proposed Parking</i>	2
<i>Required Parking</i>	2
<i>Number of Units</i>	2

BACKGROUND

November 19, 2009 - The Department administratively approved a three-bedroom house on the subject parcel.

December 9, 2009 (**CPA/30/09; Item 2.14**) - The Authority granted a lot size variance and approval for the second three-bedroom house on the subject parcel.

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

- 1) The surveyor's final drawing **shall include the surveyed dimensions of all lots** and shall be submitted to the Planning Department for approval prior to the survey being registered.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a proposed two (2) lot subdivision.

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) Lot Size Variance

The applicant is seeking a lot size variance for the proposed two (2) lot subdivision with each lot proposed at 10,862 sq. ft., a difference of 1,638 sq. ft. each under lot size, as per Regulation 9(8)(d) requires 12,500 sq. ft. for each house, for a total of 25,000 sq. ft. within the LDR zone.

The Department has no major concerns with this request bearing in mind that on November 19, 2009 the Department administratively approved a three-bedroom house and then on December 9, 2009 (CPA/30/09; Item 2.14), the Authority granted permission for another three-bedroom house on the subject parcel.

The Authority is reminded of Regulation 8 (13) Notwithstanding subregulation (1), Regulation 9 (6), (7) and (8), and Regulation 10, the Authority may grant permission to carry out development that Development and Planning Regulations (2005 Revision) does not comply with all or any of those provisions if the Authority is satisfied that -

- (i) an exceptional circumstance exists; and
- (ii) there is a sufficient reason why the permission should be granted

The Authority should also bear the following in mind;

- The immediate area has several parcels of similar undersized lots and the adjacent North Sound Estate is saturated with similar development.
- The proposal meets all other requirements of the Development and Planning Regulations for parking, site coverage, and setbacks.

2. 7 GANITA MARGARET MYLES Block 32C Parcel 388 (F09-0391) (P09-1317) (\$421,500) (EJ)

Application for a four-bedroom house.

FACTS

Location

Off Hopewell Drive, Savannah

Zoning

LDR

<i>Notice Requirements</i>	No Objectors
<i>Advertisements</i>	NA
<i>Parcel Size</i>	0.3619 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	House
<i>Building Size</i>	3,372 sq. ft.
<i>Density</i>	3
<i>Footprint</i>	3,372 sq. ft.
<i>Building Coverage</i>	21%
<i>Total Site Coverage</i>	21%
<i>Proposed Parking</i>	1
<i>Required Parking</i>	1

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 you have complied with the above condition.

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

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level, [i.e. two feet (2') above the Vidal Bench Mark].

LETTER FROM APPLICANT

“I am writing this letter seeking a setback variance of a twelve foot setback on Block 32C Parcel 388. I have been made aware that it is a twenty foot requirement. I have obtain a letter for the affected parcel owner that has consent to this.

I trust that the Board will grant the necessary peermission needed in order that I may build my home.

If further information is needed please do not hesitate to contact me.”

LETTER OF CONSENT

“This letter represents my consent to allow Ganita M. Myles owner Block 32C Parcel 388 to build her home on the said property twelve feet as the setback from the boundary line. Ms. Myles is my daughter and I have no objection what so ever for this to be done.

I appreciate your understanding and trust you will grant her the permission she needs to construct her home.”

PLANNING DEPARTMENT ANALYSIS

General

This application is for a house.

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) Setback

The proposed rear setback is 12’ from the boundary line of Parcel 110, which does not comply with Regulation 9 (8) (i) of the Development and Planning Regulations (2008 R), which states the minimum rear setback is 20 feet.

The applicant has received a consent letter from the adjacent landowner of Parcel 110 (as noted) and is requesting a rear setback variance for the proposal.

However, the Department is of the opinion that the applicant can comply with the required 20’ rear setback as the proposal is a new construction.

2. 8 RANNIELEE HYDE Block 4D Parcel 297 (F09-0402) (P09-1342) (\$5,500) (DE)

Application for a three (3) lot subdivision.

FACTS

<i>Location</i>	Off Willie Farrington Drive, West Bay
<i>Zoning</i>	LDR
<i>Advertisements</i>	NA
<i>Parcel Size</i>	2.78 acres
<i>Number of Parcels</i>	3

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

- 1) The surveyor's final drawing **shall include the surveyed dimensions of all lots** and shall be submitted to the Planning Department for approval prior to the survey being registered.

AGENCY COMMENTS

Comments from the Water 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 Cayman Water Company's (CWC) water supply area.

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

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

Wastewater Treatment:

Please be advised that the development is outside the Water Authority's West Bay Beach Sewage System (WBBSS) collection area; therefore, the required onsite treatment of wastewater will be specified by the Water Authority when the proposal for built development is reviewed.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for a three (3) lot subdivision located off Willie Farrington Drive, West Bay

Zoning

The property is zoned Low Density Residential zone and the proposed use is a permitted use per Regulation 9 (8) and 23 (2006 R). The subject parcel is partially vacant. Lot B has an existing house on site and the surrounding parcels are residential dwelling house.

The current parcel has an existing 20' V.R.O.W along the Northern Boundary of Block 4D Parcel 296.

The Department has no issues with the application.

2. 9 CLIVE BODDEN Block 20B Parcel 425 (FA82-0373) (P09-1352) (CS)

Application to modify the floor plan of an approved warehouse expansion, by reducing the amount of enclosed space.

FACTS

<i>Location</i>	At the southeast corner of North Sound Road and Red Gate Road in the Industrial Area of George Town
<i>Zoning</i>	LI
<i>Notice Requirements</i>	NA
<i>Parcel Size</i>	20,804 sq. ft.
<i>Current Use</i>	Warehouse
<i>Proposed Use</i>	Warehouse
<i>Building Coverage</i>	29%
<i>Parking Coverage</i>	31%
<i>Total Site Coverage</i>	60%
<i>Proposed Parking</i>	11
<i>Required Parking</i>	11

BACKGROUND

May 27, 2009 (CPA/15/09; Item 2.20) - The Authority granted planning permission for an addition for an existing supply warehouse.

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 (2008 Revision) hereby orders that planning permission CPA/15/09; item 2.20 be modified to allow a reduction in the size of the building which will accommodate one, open-air service bay.

All other conditions of CPA/15/09; item 2.20 remain applicable.

PLANNING DEPARTMENT ANALYSIS

General

The applicant to modify the floor plan of an approved warehouse expansion, by reducing the amount of enclosed space. Two of the three services bays will remain in an enclosed building, while the third space will be an open concrete foundation.

Zoning

The site is zoned Light Industrial. The proposed use is allowed in the zone, however the Department wishes to discuss the following concerns.

Specific Issue

a) Suitability

The applicant has advised that the third bay will be used for a service area, although the space will not be covered or enclosed. The Department asks the Authority to determine whether this type of use is suitable for in an open-air design.

2. 10 MR & MRS DENNIS FENNELL Block 22D Parcel 207 (F04-0230) (P09-1277) (\$40,000) (CS)

Application for an after-the-fact pool and screened patio.

FACTS

<i>Location</i>	In Prospect, off Victory Avenue
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	NA
<i>Parcel Size</i>	12,632 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	Pool and Screened Patio
<i>Building Size</i>	1,512 sq. ft.
<i>Building Coverage</i>	23%

BACKGROUND

May 21, 2004 - A house was administratively approved.

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

- 1) The applicant shall submit to the Director of Planning the requisite signed certificate from the Chief Environmental Health Officer certifying that the pool has been constructed such that it conforms to public health requirements.

- 2) The applicant is required to obtain the necessary approvals from the Chief Building Control Officer.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for an after-the-fact pool and screened patio.

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) Setbacks

The rear setback required for the LDR zone is 20'. The pool encroaches the setback by 1'. The screened patio and pool deck are 11' from the rear property line.

There are no extenuating circumstances that prevented the applicant from complying with the setback requirements.

2. 11 JOHN ELLIOTT Block 15E Parcel 44 (F06-0489) (P10-0020) (CS)

Application to modify floor plan and add a pool deck.

FACTS

<i>Location</i>	At the northwest corner of Walkers Road and Mulberry Drive
<i>Zoning</i>	LDR
<i>Parcel Size</i>	10,890 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	House
<i>Building Size</i>	1,790 sq. ft.
<i>Building Coverage</i>	20%
<i>Proposed Parking</i>	2
<i>Required Parking</i>	1

BACKGROUND

March 27, 2007 (CPA/09/07; Item 2.38) - The Authority granted planning permission for a house addition, which granted a setback variance for a pool.

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 (2008 Revision) hereby orders that planning permission CPA/09/07; item 2.38 be modified to allow the pool deck and modify the floor plan per the drawings date stamped December 30, 2009.

All other conditions of CPA/09/07; item 2.38 remain applicable.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission to modify the floor plan of an approved house, which reduces the floor area, and add a pool deck.

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) Setbacks

The CPA previously approved setback variances for the pool, where the pool encroached the side and rear setback by 1' each. The applicant did not show a pool deck on the plans at that time. The current site plan shows a concrete pool deck which will be 3' from the side property line and 13' from the rear property line.

2. 12 JAMES M. EBANKS JR. Block 27D Parcel 9 (F06-0534) (P10-0016) (CS)

Application to modify planning permission to reduce the number of subdivided lots from six (6) to two (2).

FACTS

<i>Location</i>	In Savannah off Farrell Road
<i>Zoning</i>	LDR
<i>Parcel Size</i>	4.75 acres
<i>Current Use</i>	House
<i>Proposed Use</i>	Subdivision

BACKGROUND

November 15, 2006 (CPA/36/06; Item 2.31) - The Authority granted planning permission for a five (5) lot subdivision and road parcel, subject to the following condition:

- 1) Prior to the commencement of any site works such as filling, grading and road construction, the applicant shall submit the following:
 - a) A revised plan showing the road parcel with a minimum width of 30 feet.

November 11, 2009 (**CPA/28/09; Item 2.9**) - The Authority granted planning permission for a five (5) lot residential subdivision and one (1) road parcel.

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 (2008 Revision) hereby orders that planning permission CPA/28/09; item 2.9 be modified to reduce the number of lots to two (2) and to replace all previous conditions of approval **with the following condition:**

- 1) The surveyor's final drawing **shall include the surveyed dimensions of all lots** and shall be submitted to the Planning Department for approval prior to the survey being registered.

LETTER FROM APPLICANT

“We are requesting to modify the planning permission for the subdivision of the above parcel.

The original design for this subdivision was six lots. Mr. Ebanks now has a proposed purchaser who would like to acquire the lot undeveloped. We have increased the lot width by 8 feet and left a residual strip of land which is 1/2 the shortfall of creating a 30 foot road corridor for Farrell Road.

As Mr. Ebanks is selling this parcel as one large lot, undeveloped, we feel the major conditions of planning approval, should be dealt with when the subdivided parcel is developed in the future.

We will submit easement documents for a 30-foot right of way over the road allowance strip to provide vehicular access.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting to modify planning permission to reduce the number of subdivided lots from six (6) to two (2).

Zoning

The site is zoned Low Density Residential. The proposed use is allowed in the zone. The modification decreases the number of lots and complies with the Planning & Development Regulations (2006 Revision) for minimum lot size, minimum lot width and access.

CPA conditions for the previously approved six (6) lot subdivision included approval of a stormwater management plan and filling the lots and subdivision road to 4’ above MSL.

As the modification request is to reduce the subdivision to only two (2) lots, Planning supports the removal of Conditions 1) a) and 2) a).

2. 13 ANN M. MCLAUGHLIN Block OPY Parcel 86 (F02-0274) (P09-1310) (\$4,500) (BES)

Application for an after-the-fact addition (235 sq. ft.) at the stores entrance doors of a commercial building.

FACTS

<i>Location</i>	Shedden Road and Dr. Roys Drive
<i>Zoning</i>	G COM
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.27 acres
<i>Building Size</i>	235 sq. ft.

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.

LETTER FROM APPLICANT

“I Anna-Marie McLaughlin, owner of the R.A.M establishment is hereby beseeching the Department of Planning to favorably consider my recent modifications to my place of business.

The R.A.M establishment, which is located at 100 Shedden Road #1 Block OPY Parcel 086 Dr. Roy's Drive (corner of shedden Rd.), had originally as part of its structure an overhead shade made of wood. This structure served the purpose of preventing excess water from entering the store. However, since the catastrophe of hurricane Ivan in 2004 the store has been without this vital structure. The consequences of the structure's absence has not gone without recognition as due to its absence, with the hurricane season comes profound water seepage which takes a toll on both merchandise and store furnishings.

The Landlord for the building, Mr. Mackie Powell, has on many occasions been informed of the circumstances regarding the water damage sustained by the store, conversely; he has only afforded the replacement of the roof but not the aforementioned structure. I find the existence of the structure paramount to the financial sustenance of my business and also for the safety of my customers, who potentially could sustain some form of injury if they should lose their footing on one of those very rainy days.

The Structure, which is 47ft in length and 5ft in breadth, was replaced at my expense on the third of December,2009, after which, I was informed that it was structural amendments to the building are possible.

This communication is now our late, nonetheless gracious and formal attempt at eliciting such permission. I am thus inviting appropriate personnel from the Department to come and investigate the erected structure.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for an after the fact addition (235 sq. ft.) at the entrance doors of a commercial building. The site is located on Shedden Road and Dr. Roys Drive. This application is a result of enforcement action conducted by the Department. The Department has no specific concerns with the addition.

2. 14 KENT RANKIN Block 19E Parcel 108 (F09-0390) (P09-1314) (\$500,000) (BES)

Application for addition to warehouse (5,502 sq. ft.).

FACTS

<i>Location</i>	North Sound Road, George Town
<i>Zoning</i>	HI
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.54 acres
<i>Proposed Use</i>	Warehouse Addition
<i>Building Size</i>	5,502 sq. ft.
<i>Building Coverage</i>	27.7%

<i>Proposed Parking</i>	6
<i>Required Parking</i>	5

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 you have complied with the above condition.

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

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level, [i.e. two feet (2') above the Vidal Bench Mark].

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.**

AGENCY COMMENTS

Comments from the Water Authority are noted below.

Water Authority

“Please be advised that the plans do not indicate any water source or sanitary fixtures; therefore the Authority has no water or wastewater requirements for this proposal.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for an addition to warehouse 5,500 sq. ft. to be located at the rear of Paramount Carpet on North Sound Road.

Development Plan

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

Zoning

The property is zoned Heavy Industrial and the proposed use is a permitted use per Regulation 12(6). The Department has no specific concerns with the application.

3.0 ENFORCEMENTS

3.1 VINCENT & DEBRA PARSONS Block 14E Parcel 351 (CE10-0003) (CM)

Illegal concrete carport addition.

FACTS

<i>Location</i>	Comer Drive, off Walker’s Road
<i>Zoning</i>	LDR
<i>Parcel Size</i>	0.348 acres
<i>Current Use</i>	As noted

BACKGROUND

The system was checked, no application was submitted for the concrete carport addition on the property.

Decision: It was resolved to 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 the property is a dwelling house. There had been no submission of an application for a concrete carport addition on the property, 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: Vincent & Debra Parsons
OF: P.O. Box 1022
Grand Cayman KY1-1102
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 14E Parcel 351, South Sound 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:
Illegally adding a concrete carport.
- (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:

Return the dwelling to its approved condition.

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 _____, 2010.

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 AUDREY BODDEN Block 4E Parcel 53 (CE08-0385) (CM)

Illegal construction of a wooden dwelling.

FACTS

<i>Location</i>	Birch Tree Hill Road, West Bay
<i>Zoning</i>	HDR
<i>Parcel Size</i>	0.5 acres
<i>Current Use</i>	As noted

BACKGROUND

The system was checked, no application was submitted for the addition of wooden structure on the property.

Decision: It was resolved to 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 an additional structure (wooden) on the property. A check of the records revealed that there had been no submission of an application for the said wooden structure 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: **Audrey E. Bodden**
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 4E Parcel 53, 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:
The illegal construction of a wooden dwelling.
- (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 illegal wooden dwelling.

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 _____, 2010.

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

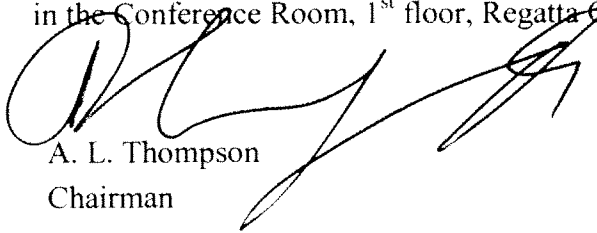
6.0 MATTERS FROM THE DIRECTOR OF PLANNING

This section of the Minutes are exempt per section 20(b) and (d) of the Freedom of Information Law, 2007, which reads: “(b) its disclosure would, or would likely to, inhibit the free and frank exchange of views for the purposes of deliberation;” or “(d) its disclosure would otherwise prejudice, or would be likely to prejudice, the effective conduct of public affairs.

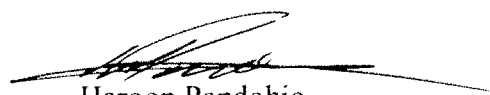
7.0 CPA MEMBERS INFORMATION/DISCUSSIONS

This section of the Minutes are exempt per section 20(b) and (d) of the Freedom of Information Law, 2007, which reads: “(b) its disclosure would, or would likely to, inhibit the free and frank exchange of views for the purposes of deliberation;” or “(d) its disclosure would otherwise prejudice, or would be likely to prejudice, the effective conduct of public affairs.

The meeting adjourned at 12:25 p.m. The next regular meeting of the Central Planning Authority is scheduled for **Wednesday 3rd February 2010 at 10:30 a.m.** in the Conference Room, 1st floor, Regatta Office Park, Leeward One.



A. L. Thompson
Chairman



Haroon Pandohie
Executive Secretary (Acting)

cc: All members of the Central Planning Authority