

Central Planning Authority

Minutes for a meeting of the Central Planning Authority held on May 25, 2011 at 10:00 a.m. in the Conference Room, 1st Floor, Government Administration Building, Elgin Avenue.

10th Meeting of the Year

CPA/10/11

Mr. A. L. Thompson (Chairman)
Mr. Steve McLaughlin (Deputy Chairman)
Mr. Peterkin Berry (apologies)
Mr. Peter Campbell (absent)
Mr. Dave Christian (apologies)
Mr. Ernie Hurlstone (absent)
Mr. Ray Hydes
Mr. Gillard McLaughlin (left at 12:45)
Mr. Rex Miller
Mr. Allan Myles
Mr. Eldon Rankin
Mr. Helbert Rodriquez
Mr. Antonio Smith
Mr. Haroon Pandohie (Executive Secretary)
Mr. Ron Sanderson (Assistant Director of Planning (CP))

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

List of Applications Presented at CPA/10/11

1. 1	Confirmation of Minutes of CPA/09/11 held on May 11, 2011.	4
2. 1	CAYMAN COVES LIMITED Block 7C Parcel 10 (FA86-0157) (P10-1155) (P10-1162) (P10-1163) (\$14 million) (DE)	5
2. 2	TROY BUSH Block 4E Parcel 218 (F11-0021) (P11-0056) (\$158,940) (KA) ..	20
2. 3	ST. JAMES COURT (TERSIVS BRODERICK) Block 32E Parcel 63 (F99-0247) (P11-0261) (\$425,000) (KA)	26
2. 4	KP'S HEAVY EQUIPMENT LTD. Block 43A Parcels 342 and 344 (F03-0166) (P10-0940) (\$1,240,000) (BES)	33
2. 5	JOHN EBANKS Block 4B Parcel 107 (F11-0173) (P11-0323) (BES)	39
2. 6	CHRIS LAWSON Block 4B Parcel 50 (F11-0073) (P11-0242) (\$624,500) (DE)	41
2. 7	CORY STRANDER Block 69A Parcel 95 (FA92-0081) (P11-0371) (\$15,000) (DE)	44
2. 8	IGLESIA EMBAJADORES DE DIOS Block 14D Parcel 130 (F07-0525) (P11-0187) (\$6,500) (BES)	46
2. 9	ARETHA JOY BUSH Block 72C Parcel 270 (F11-0071) (P11-0234) (\$74,290) (BES)	48
2. 10	NATIONAL GALLERY Block 13C Parcel 18 (F06-0470) (P11-0314) (\$2,000) (BES)	49
2. 11	BRITANNIA CONDOMINIUMS PHASE 1 Block 12D Parcel 25 (F11-0107) (P11-0353) (\$90,000) (CS)	50
2. 12	KIM LUND Block 5C Parcel 139 (FA78-0149) (P11-0340) (\$10,000) (CS) ..	51
2. 13	LETTERSTONE ZEPHYR LTD Block 14BG Parcel 100 (F11-0090) (P11-0298) (\$40,000) (CS)	53
2. 14	CONNIE C. EDWARDS Block 3D Parcel 108 (F05-0208) (P11-0324) (\$47,000) (DE)	55
2. 15	CLIVE HARRIS Block 23B Parcel 15 (FA91-0133) (P11-0267) (\$175,000) (DE)	57
2. 16	LINDA COLLINS Block 4E Parcel 292 (F11-0106) (P11-0352) (\$94,000) (DE)	60
2. 17	GRAEME THOMSON Block 7C Parcel 47 (F11-0108) (P11-0355) (\$100,000) (EJ)	62
2. 18	CHRISNA RENEE KNIGHT Block 24B Parcel 122 (F95-0266) (P11-0356) (\$48300) (EJ)	64

2. 19	RAULITO GONZALES Block 24E Parcel 55 (F11-0119) (P11-0378) (\$250,000) (EJ)	66
2. 20	RICARDO MARTINEZ Block 31A Parcel 37 (F04-0313)) (P11-0230) (\$5,000) (DE)	68
2. 21	RANDY LEITH MERREN Block 28D Parcel 246 (F11-0086) (P11-0290) (\$2,820) (KA)	69
2. 22	FREDERICK WILKS Block 14CF Parcel 14 (FA87-0083) (P11-0307) (\$3,025) (DE)	71
2. 23	JOYCE WHITTAKER Block 75A Parcel 332 (F11-0093) (P11-0308) (\$4,000) (KA)	72
2. 24	TAMARA JACKSON Block 37E Parcel 153 (F01-0072) (P11-0248) (\$3,000) (DE)	74
2. 25	CLAY & MICHELLE COLEMAN Block 25C Parcel 90 (F08-0344) (P11-0374) (DE)	75
3. 1	MARVIN RYDBERG Block 12E Parcel 40 (CE09-0008) (CE)	76
3. 2	VINROY WILSON Block 1D Parcel 379 (CE09-0154) (CE)	77
3. 3	CROWN Block 14CF Parcel 140 (CE08-0153) (CE)	78
3. 4	CROWN Block 17A Parcel 10 (CE08-0344) (CE)	78
3. 5	CARIBBEAN PLAZA LTD. Block 12C Parcel 427 (CE11-0062) (CE)	79
3. 6	PAUL LINDSAY Block 24D Parcel 106 (CE11-0064) (CM)	80
3. 7	YVONNE BODDEN Block 14E Parcel 481 (CE11-0055) (CE)	80
3. 8	STAFFORD JACKSON Block 20E Parcel 250 (CE11-0054) (CE)	81
6. 1	TONY JAMES Block 14CF Parcel 65	82
6. 2	CHRISTIAN HERITAGE PARK	82
6. 3	CAYMAN ISLANDS ROADS SAFETY ADVISORY COUNCIL	82
6. 4	7TH DAY ADVENTIST CHURCH Block 4D Parcel 489	82
7. 1	ELDON RANKIN PRE-SCHOOL	83
7. 2	ILLEGAL DEVELOPMENT	83

APPLICANTS APPEARING BEFORE THE CENTRAL PLANNING AUTHORITY

APPLICANT NAME	TIME	ITEM	PAGE
Cayman Coves Ltd. (DE)	10:30	2.1	5
Troy Bush (KA)	10:50	2.2	20
St. James Court (KA)	11:10	2.3	26
KP's Heavy Equipment Ltd.	11:20	2.4	33

1.0 CONFIRMATION OF MINUTES

1.1 Confirmation of Minutes of CPA/09/11 held on May 11, 2011.

Moved: Steve McLaughlin

Seconded: Antonio Smith

Confirmed

2.0 APPLICATIONS

APPEARANCES (Items 2. 1 TO 2. 4)

2. 1 CAYMAN COVES LIMITED Block 7C Parcel 10 (FA86-0157) (P10-1155) (P10-1162) (P10-1163) (\$14 million) (DE)

Application for twenty (20) dwelling houses, swimming pool, pavilion and two (2) cabanas.

Appearance at 10:30

FACTS

<i>Location</i>	In South Sound area near the intersection of South Church Street and Denham Thompson Way
<i>Zoning</i>	BR/R
<i>Notice Requirements</i>	Objectors
<i>Parcel Size</i>	4.03 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Residential Development
<i>Building Size</i>	60,080 sq. ft.
<i>Density</i>	4.96
<i>Allowable Density</i>	4
<i>Building Coverage</i>	17.4%
<i>Parking Coverage</i>	16.8%
<i>Total Site Coverage</i>	34.2%
<i>Proposed Handicapped Spaces</i>	8
<i>Proposed Parking</i>	69
<i>Required Handicapped Spaces</i>	4
<i>Required Parking</i>	30

BACKGROUND

July 23, 1986 (**CPA/29/86; Item 6.1**) - CPA refused an application for a proposed cruise ship docking facility.

June 28, 2006 (**CPA/21/06; Item 2.18**) - It was resolved to grant planning permission for a sixteen (16) single family houses, pool, seawall and 48" concrete wall along South Church Street.

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

Conditions (1-5) 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 10' wide public right-of-way leading from the road to the sea along the northern property line.
- 2) The applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system) which is to be installed in accordance with the Water Authority's standards. The treatment system must be labelled as either a septic tank or an aerobic wastewater treatment system, whichever is applicable.
- 3) 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.
- 4) 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.**
- 5) 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, conditions (6-8) listed below shall be met before a Building Permit can be issued.

- 6) The construction drawings for the proposed swimming pool shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool is constructed in accordance with the submitted plans it will conform to public health requirements.
- 7) Construction drawings for the proposed wastewater treatment system and disposal system shall be submitted to the Water Authority for review and approval. The Central Planning Authority must receive confirmation of the Water Authority's approval.
- 8) 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.
- 9) 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.

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

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, Chief Environmental Health Officer, Water Authority and Department of Environment are noted below.

National Roads Authority #1

“As per your memo dated December 31st, 2010 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Access and Traffic Management Issues

Please note that the proposed driveway opposite Denham Thompson Drive needs to be shifted a minimum of seventy-five (75)ft as per NRA Design and Construction Specifications, so as not to create a four-way intersection at this location.

Driveway aisles shall be a minimum of twenty-two (22) ft wide with entrance and exit curves having no less than fifteen (15) feet radius curves.

A six (6) foot sidewalk shall be constructed on South Church Street, within the property boundary, to NRA standards. Interconnected walkways throughout the site are suggested.

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.

Road Capacity Issues

The traffic demand to be generated by a residential development of eighteen (18) 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 Church Street 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>
119	9	1	8	17	11	6

Based on these estimates, the impact of the proposed development onto South Church Street is considered to be minimal.

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 Church Street. 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.
- Finally, the applicant shall indicate a course of action for mitigating the loss of surface run-off storage that the subject site provided to the area. The NRA

is recommending to the Planning Department that the applicant install a series of drain wells along the proposed sidewalk along South Church Street.

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 is in receipt of a site plan for the above-noted development which shows the applicant's revised driveway location for the project. As per your memo dated December 31st, 2010 and the revised application received on February 15th, 2011, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the revised site plan provided. A copy is attached for your reference.

Access and Traffic Management Issues

The NRA is satisfied with the re-location of the driveway 120ft from Denham Thompson Drive.

All other access and traffic management issues per our January 14th, 2011 comments remain applicable.

Stormwater Management Issues

All Stormwater Management Issues per our January 14th, 2011 comments remain applicable."

Chief Environmental Health Officer #1

"The location of the solid waste enclosures do not meet the requirements of the department as the truck would have to collect one container, then leave the premises turn around and come back to collect the second container. The truck should be able to manoeuvre on site in order to collect both containers in one trip.

A separate application must be made to the department in order to gain approval for pool."

Chief Environmental Health Officer #2

“The revised location location of the solid waste enclosures meet the requirements of the Department. A separate application must be made to the department in order to gain approval for pool.”

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 7,000 US gallons per day (gpd). The required capacity is based on the following:*
- 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 install the water-supply infrastructure within the site, per the Water Authority's guidelines and standards. The developer shall contact the Water Authority's Engineering Services at 949-2837, without delay, to be advised of the site-specific requirements for connection.*
- *In addition to guidelines for constructing potable water mains, there are specific requirements for water meter installation at developments requiring five or more meters per parcel or lot. Determination of the required layout for multiple-meter installations is at the sole discretion of the Water Authority.*
- *Copies of the Authority's Guidelines for Constructing Potable Water Mains (Revised July 2007) and Standard Detail Drawings of Multiple Meter Installations (April 2010) are available at: www.waterauthority.ky and at the Water Authority's office on Red Gate Road.*
- *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.*
- *The developer's request for connection to the 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."

Department of Environment

"The Department's Technical Review Committee has reviewed the above noted application and provides the following comments for consideration.

Vegetation maps confirm that the landcover on the site is characterized by invasive species and the central portion of this site is man modified. The coastline adjoining the site is designated as a Marine Park.

Figure 1 shows pre-Ivan conditions at this ironshored site while Figure 2 illustrates the significant water incursion from Hurricane Ivan which has left the western portion of the site almost devoid of vegetation. This is a useful indication of the vulnerability of coastal development on this site to future storm events. The ground floor of the seaward properties could be susceptible to coastal flooding from storms, which will be exacerbated by projected sea-level rise.

Against this background, should the CPA be minded to grant planning permission, the following recommendations are made:

Construction & Sustainability Methods

1. *Best Management Practices should be used to ensure that no waste materials enter the Marine Park. All materials used in construction should be kept away*

from the water to avoid leaching into the sea by rain or storm conditions.

- 2. The 75 foot development setback annotated on Drawing No. 1 'Site Plan' should be treated as a minimum setback for built development, in the interests of minimizing the increased risk of impacts from highly destructive hurricanes combined with rising sea levels. Furthermore, we would encourage the utilization of climate-resilient building practices (e.g. adequate building elevations and wash-through ground floors – particularly on the seaward properties).*
- 3. In accordance with the Consultation Draft Green Paper - 'Climate Change Issues for the Cayman Islands: Towards a Climate Change Policy' sustainable building practices should be incorporated into building and landscape design. These include the use of pervious materials, incorporation of systems that take advantage of natural water sources and renewable energy systems.*

Stormwater Management and Landscaping

- 4. A stormwater management plan should be submitted, with the objectives of flood prevention, onsite treatment, control of stormwater runoff and minimizing untreated runoff into water bodies. Maintaining the natural drainage pattern as much as possible, controlling the sources of runoff and promoting infiltration will greatly assist stormwater management. These methods can be considered in coordination with proposed drain wells. Minimizing impervious surfaces where possible, using pervious materials (e.g. wood or mulch or grass cellular paving) in place of impervious materials (e.g. driveways, sidewalks) and integrating vegetated areas will limit disruption of natural drainage and promote infiltration thereby reducing the runoff volume and velocity.*
- 5. Stormwater should not be allowed to flow directly into the marine environment.*
- 6. The use of native salt-tolerant vegetation is strongly recommended when landscaping the development. Non-native species can be costly to establish and maintain as they typically require more water and fertilizer than those species adapted to local conditions. The applicant is encouraged to liaise with the DoE regarding suitable vegetation options to complement stormwater management plans.*
- 7. Vegetation including mature trees that provide shading in combination with use of reflective surfaces (e.g. white roofs, open grid paving or gravel driveways, etc) will serve to reduce the urban heat island effect, making the localized outdoor living environment more pleasant.*

Sewerage

- 8. Sewerage containment should be located as far away from the coast and ponds as possibly to ensure that chances of contamination into the marine environment are minimized. Special attention should also be paid to the type*

of containment and treatment options for sewerage given the porous nature of ironshore rock.

Ponds

- 9. The Department requests that the applicant indicates what the proposed ponds will be used for i.e. ornamental or stormwater retention. Stormwater should not be allowed to flow directly into the ponds without treatment first.*

Dock

- 10. Should the applicant wish to install a dock, this would be the subject of a separate application to Cabinet for a Coastal WorksLicence. The applicant should be notified that an application form can be requested from the Ministry HEYS&C or the DOE, which must be completed and submitted to the Ministry HEYS&C.”*

OBJECTIONS

Letter #1

“Please accept this letter of objection based on the breach of natural justice with regard to the following development "Casuarina Cove" on Block 7C Parcel 10.

In an effort to provide background, the owner of this property, Mr. Hugh Hart has been working on designs for the development of this site for a number of years. The first design concepts which were designed by Mr. John DOak, was reviewed by myself and minor changes had been made which were satisfactory and to which I had no objections.

On 16 January 2011, I met with Mr. Hugh Hart socially and he mentioned that he was planning to develop the site. Mr. Hart showed me some preliminary design concepts and said that they were still in development at this time.

On 26 January 2011, we received a registered notice slip in our mailbox and the registered mail was collected the next day. Upon opening the letter we were notified that a substantial residential development was submitted to Planning on 21 December 2010 for 20 residential units, which seem to be very close together and encompassing the entire site with over 376 ft. of their development adjoining my property. we had not received official notice until 26 January 2011 (please find attached copy of the formal notices).

I immediately tried to contact the Planning Department using the telephone number (345-769-7536) which was provided on the form. However, the telephone number was out of service.

On the morning of 28 January 2011, I went to the Planning Department in order to review the documents and I asked whether I could lodge an objection. I was told by the planner at the front desk that the objection period of 21 days, expired that very day.

Considering that we check and empty our mail box on a daily basis and the standard delivery period should be 3 to 5 business days and not 32 days until receiving

official notice. I request and deserve 21 days (according to the law) from 26 January 2011 in order to review the development plans in detail.

However, notwithstanding the above from my initial review of the documents and drawings at Planning, I have serious concerns with regards to the density, scaling and massing of the project. And without time to further investigate the merits of the project, please accept this letter as an objection.

Please kindly provide the date for the CPA hearing for this project so that I may attend and formally object in person.

I look forward to hearing from your department as a matter of urgency.”

Letter #2

“Please accept this letter of objection based on the breach of natural justice with regard to the following development "Casuarina Cove" on Block 7C Parcel 10.

I am the owner of Block 7c parcel 133 which is situated next to the proposed development. To date I have not received official notice of this project.

However, I have now seen a proposed site plan and have serious concerns with regards to the density scale and massing of the development. In addition, I have also learnt that the height of the proposed building is four stories, which I consider out of keeping with surrounding area & properties.

Therefore, I have to object strongly to the plan as proposed.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission to construct 20 dwelling units (16 detached houses and 2 duplexes), a pool, pavilion, two (2) cabanas and 6' to 8' high retaining seawall along the coastline. This property is located in the South Sound area near the intersection of South Church Street and Denham Thompson Way across from Pure Art and adjoining the South Sound Dart Park.

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) c). Accordingly, the Authority must review this application with specific consideration given to Sections 6 (1), (3), (4), (5), (6) and Section 7.

Sec 6 (1) (a) Considered 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 and found that:

Response: It is likely that the impact of the proposed development will be minimal.

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

Response: There are no other such aspects.

Sec 6 (1) (c) Considered 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 and found that:

Response: There are no such aspects.

Sec 6 (1) (d) Identified and investigated 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 and found that:

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

Sec 6 (1) (e) Assessed the importance to be attached to those considerations or aspects and found that:

Response: There are no considerations to be assessed.

Sec 6 (3) The Chairman informed the Authority that the Law gave 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 and decided that:

Response: Both the applicant and objectors addressed the Authority.

Sec 6 (4) The Authority considered whether the development proposed in the application should instead be carried out at an alternative site and found that:

Response: The site is suitable for the proposed development.

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

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

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

Response: An inquiry is deemed not necessary.

Sec 7 The Authority noted that it 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 and decided that:

Response: The Authority considered and took into account the agency reports presented.

Zoning

The property is zoned Beach Resort/Residential, and while the proposed use is a permitted use per Regulation 15 (2), the Department would offer comments on certain specific issues addressed below.

Specific Issues

Site Design

The homes will be situated along a curving, internal drive. The architectural design of the homes are of an island cottages and townhouses influence and is appropriate for this area. The layout creates a streetscape with various building setbacks and landscaping that will blend well with the surrounding properties. The homes will share a central lawn and pool area.

Density

As prescribed in Regulation 15 (3) (a) of the Development and Planning Regulations (2006 Revision): The maximum density for houses or duplexes is four detached or semi-detached houses, or four three-bedroom duplexes per acre. The applicant is proposing 16 houses and two duplexes which equates to a density of 4.96 units per acre which exceeds the maximum allowable density of 4 per acre. This equates to 3.88 units in excess of the allowable.

Lot Size

The minimum lot size for houses and duplexes is 10,000 sq. ft. per Regulation 15 (4) (a) (i) and (ii). The subject parcel lot size is 4.03 acre= 175,546.8 sq. ft.

As noted, the applicant is proposing 20 units x 10,000 sq. ft. = 200,000 sq. ft. required for 20 units. The subject parcel size:175,546.8 sq. ft. The applicant is requesting a lot size variance for 24,453.2 sq. ft.

High Water Mark Setback

The required setback from the high water mark is 75 feet, per Regulation 8 (10) (f). The applicant was requested on several occasions to submit a high water mark survey. This was finally done and the survey is dated April 2 and 4, 2011. Although requested to do so by the Department, the applicant failed to transfer the high water mark survey to the site plan. The applicant has chosen instead to measure the required 75 feet setback from the coastline as supplied by the Lands and Survey Department. As the processing of the application was being delayed by this issue and the fact that there is an objector to the application, the Department has chosen to forward the matter to the Authority for its consideration.

Notwithstanding the foregoing, the site plan as submitted is quite similar to the recent high water mark survey and it appears that all of the proposed buildings would comply with the required 75' setback with the exception of the southern most building A which would be setback approximately 40 feet from the small

inlet cove. Additionally, in places, the proposed seawall would not satisfy the 75' setback (ranging from 40' to 50'). Also, the proposed pool would be setback approximately 60' from the high water mark.

The Authority needs to determine if the site plan as submitted vis a vis the April, 2011 high water mark setbacks is acceptable and if so, whether, the deficient setbacks Building A, the seawall and pool are acceptable.

For the Authority's information, a site visit has revealed that there are many sandy cove areas along the shoreline of South Church Street which are either man-made or natural created and have existing seawalls and other residential or industrial features closer than what the Development and Planning Regulation or the Authority requires.

Public Access to the Beach

Regulation 15(6) of the Development and Planning Regulations states that in the Beach Resort/Residential zone, a proposed development must include a public access to the sea, a minimum of 6'in width for each 200' of frontage or part thereof. Under this provision, the applicant in this instance is required to set aside a 12' public right of way, but the site plan only shows a 6' right of way.

At 10:30am, Hugh Hart, Eduardo Bernal, Sandy Urquhart, John MacKenzie and James Madigan appeared on behalf of the applicant. Cindy O'Hara and J. Samuel Jackson appeared on behalf of the objector, Roger Davies.

CPA Summarized the application and noted that the aerial maps were on one wall and the plans on the other.

Mr. Bernal He referred to the aerial map and pointed out the location of the property, which is about 4 acres. For several years Mr. Hart has been trying to develop the site. Previous schemes have been discussed with Mr. Davies. Mr. Hart has always had a vision of a few, very exclusive houses versus the many apartments that could be built on the land. He doesn't want to do that type of development with 120 bedrooms. Instead, he is doing 20 houses with 70 bedrooms. They have had meetings with Cindy and have worked with them and fine tuned the project. There houses will be lost in landscaping, they are working with Sandy Urquhart for the landscape design.

CPA They understand there is a new site plan as they met with the objector.

Mr. Bernal Yes, they did meet and Cindy can speak to that. Originally, there was a 4' strip along the boundary. They agree that this needs to be a substantial, beautiful buffer and it has been increased in width to 8 feet. He handed out an information package to the members and to the objector's representatives. The air photo shows Mr. Davies' house and how the buffer will work. They are also preserving and working with DOE to upgrade and fix the ironshore which has lots of debris from storms. This is a man made cut. In the 1970's the cove didn't exist. Lands and Survey even shows the boundary straight across. Working with John Mackenzie they will have a detailed plan with DOE to protect the cove and make it a feature. On the new site plan it shows the lands and Survey line and from that

line they are setback 75 feet. They will preserve a sandy beach and have curved the seawall to allow the sand to remain.

CPA Will the architect or lawyer speak to the application?

Mr. Jackson Mr. Davies has spoken with Mr. Hart and they have an agreement in principle and have instructions to withdraw the objection if the buffer strip is preserved. His client is willing to maintain it at his expense and they have a draft peppercorn lease agreement that they will maintain the buffer, but they haven't worked out the details. He would be happy to give the Board a copy of the draft lease.

CPA We don't need it, that is a civil matter.

Ms. O'Hara Their client is also willing to pay for the trees and plants and Sandy will do the landscape plan. The client sees this as a compromise and he is willing to contribute.

Mr. Bernal The same person is being used to say what will happen in the 8' buffer. Regarding the legal terms they can't agree to it today because they haven't had time to go through it.

Mr. Hart They want to be as protected from Mr. Davies and as he wants to be from them. There is 60' between his houses and this proposal. They have his interests in mind; in fact, they have the whole community's interest in mind by doing this small scale development. He invited Mr. Davies to his house and showed him the plans. Then he didn't hear from him until he objected. Then he got a call from him three days ago and he told him he was not prepared to compromise his project, but wanted to be as discrete from him as he wants to be from them. He is not willing to sign any lease on his land. He would be happy for Mr. Davies to help maintain the buffer, but not exclusively. There will be \$1 million in landscaping and he's not putting that in the hands of someone else. If Mr. Davies ends up not maintaining it right, he needs the ability to change it. Just so this is clear, he is not leasing his land.

Mr. Jackson The lease is simply a means to an end so Mr. Davies can go upon the land to maintain the buffer. He doesn't gain anything commercially. It's simply for access and to ensure maintenance. Mr. Davies cares that what is approved is an adequate screen.

CPA They see a buffer and will either approve it or not. They don't care who plants the trees, they just need to ensure they comply with the plans.

Ms. O'Hara This is not a frivolous issue. What cause the movement about the little strip of land is that the barbeque areas are now on the second floor, not the ground floor, since they raised is to 22 feet. There is now a direct view into Mr. Davies' property. As long as they aren't looking into his property then that's okay.

Mr. Bernal They have already agreed to that.

Ms. O'Hara Just so everyone knows this isn't frivolous.

Mr. Jackson They just need to know what the buffer is.

Mr. Bernal The sketch shows that and they have it.

Mr. Jackson They are withdrawing the objection provided the buffer is as shown on the sketch.

CPA How relevant is it that one individual wants a buffer, given the overall development. What about the rest of the populace on the Island, what are they doing for them for access?

Mr. Jackson He's not sure what the relevance is. This Beach Resort Residential and they must give a 6' access for every 200 feet.

Mr. Bernal There is a 6' access to the sea.

CPA But they can ask for 12 feet and that's the point, there are others involved here. So they are agreed that what is shown on the sketch is what will be built?

Mr. Bernal Yes. Also, he wants to clarify that with the revised plans there are no duplexes, just 20 detached houses.

CPA Thanked everyone for attending the meeting.

2. 2 TROY BUSH Block 4E Parcel 218 (F11-0021) (P11-0056) (\$158,940) (KA)

Application for the after-the-fact addition of four (4) apartment units to a house to create five (5) apartment units.

Appearance at 10:50.

FACTS

<i>Location</i>	Bushes Street, West Bay
<i>Zoning</i>	HDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	8,712 sq. ft.
<i>Current Use</i>	Apartments
<i>Proposed Use</i>	Apartments
<i>Building Size</i>	1,324.5 sq. ft.
<i>Density</i>	25
<i>Allowable Density</i>	25
<i>Building Coverage</i>	26%
<i>Proposed Parking</i>	2
<i>Required Handicapped Spaces</i>	1
<i>Required Parking</i>	8
<i>Number of Units</i>	5

BACKGROUND

CPA/07/11; Item 2.10 - CPA adjourned the application to give the applicant an opportunity to appear before the CPA

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 **within 6 months of the date of this decision.**
- 2) The applicant must submit an application for planning permission for the existing shed within **60 days of the date of this decision.**
- 3) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

The applicant shall obtain a Final Certificate (of Fitness for Occupancy) **within 12 months of the date of this decision.**

AGENCY COMMENTS

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

Chief Environmental Health Officer

“A minimum of 5 33 gallon bins shall be placed on the curbside in a enclosure that meets DEH specifications.”

Chief Fire Officer

“No Objection.”

Water Authority

“Wastewater Treatment:

The development shall be connected to the West Bay Beach Sewerage System (WBBSS).

- *The developer shall notify the Water Authority’s Engineering Department at 949-2837 ext 3000, as soon as possible to ensure that:*
 - *the site-specific connection requirements are relayed to the developer,*
 - *any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and*
 - *the Authority can make necessary arrangements for connection.*
- *The developer shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The site’s wastewater infrastructure shall be designed and installed to the Authority’s specifications. Copies of the Authority’s specifications are available at the Water Authority’s office on Red Gate Road.*
- *The developer shall submit plans for the infrastructure to the Authority for approval.*
- *The Authority shall make the final connection to the WBBSS, the cost of which shall be borne by the developer.*

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.

Water Supply:

Please be advised that the proposed development site is located within the Cayman Water Company’s (CWC) piped 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.”*

National Roads Authority

“Please note that Bushs Street is of a substandard width (12-13 ft in some places) to accommodate multi-family dwellings.

Two-way driveway aisles shall be a minimum of twenty-two (22) ft wide. Please note that the 12ft Private ROW is of a substandard width for an apartment building. The minimum width is twenty-two (22) ft as noted above. Please have applicant comply by providing either an increase in ROW of ten ft or a road parcel of the minimum twenty-two (22) ft.

Parking will also be insufficient for the number of after the fact apartment units.

Entrance and exit curves shall have no less than fifteen (15) feet radius curves. This will need to be provided at the intersection with Bushs Street.

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.

Road Capacity Issues

The traffic demand to be generated by a residential development of Four (4) 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 Bushs Street 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>
<i>27</i>	<i>2</i>	<i>0</i>	<i>2</i>	<i>3</i>	<i>2</i>	<i>1</i>

Based on these estimates, the impact of the proposed development onto Bushs Street is considered to be minimal.

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 the private ROW. 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."

PLANNING DEPARTMENT ANALYSIS

General

The application is for an after-the-fact addition of four (4) apartment units to a house to create five (5) apartment units. There is no planning history for the original house; however, aerial photos show that the house existed in 1971. The site is located on Bushes Street, West Bay.

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) Lot Width

The minimum lot width requirement for apartments in the HDR zone is 100’.

The existing lot width is 69'.

b) Setbacks

The setback requirements are 20' from the front and rear boundaries and 10' from the side boundaries. The apartments sit 14' from the north-rear boundary and 8 feet from the west-side boundary.

c) Parking

The regulations required 1.5 parking spaces for apartments, therefore 8 parking spaces would be required. Only 2 parking spaces are proposed. From a site visit, it is clear that 2 parking spaces would be a tight squeeze and there would be limited room for turning within the site.

d) Road Width

The main road, Bushes Street, is considered to be substandard as it is only 12' wide and it is not paved. The NRA requires a minimum driveway width of 22'. Regulation 25 (f) requires a minimum road reserve of 30'. Furthermore, the access road from Bushes Street over parcel 4E 219 is also only 12' wide.

In addition, the sightline leaving the proper is obstructed due to a fence and bushes which makes exiting the property very dangerous.

e) Pavement Type

The application form states that the parking surface will be grasscrete. The Authority should assess if this is acceptable.

f) DEH Comments

DEH requires a minimum of 5 x 33 gallon bins to be placed on the curbside. This parcel does not have direct access onto the main road. It has a 12 foot right of way over 4E 219. The agent has not submitting revised plans to show the proposed location of the garbage bins. From the site visit their was bin storage at the top of the road. It is considered that 5 bins by the side of the road could result in an untidy appearance.

g) BCU Comments

BCU requires an accessible parking space to be provided.

h) Shed on Site

There is a shed on the site which does not meet the setback requirements and it did not receive planning permission. The shed was not part of the original enforcement and it is not part of this application. The agent was informed that a planning application is required for this shed.

SUPPLEMENTARY ANALYSIS

CPA/07/11; Item 2.10 - CPA adjourned the application to give the applicant an opportunity to appear before the CPA

At 10:50am, Troy Bush appeared as the applicant and Arnold Berry as his agent.

CPA There is no record of approval, but the building seems to have been there since 1971. It seems to have been a house, then four apartments and now five.

Mr. Berry Yes, there have been four apartment additions to date.

CPA There are issues, such as lot size, lot width, setbacks, there is little or no parking, there is only a 12' access road, and they don't want the shed to become a sixth unit. One thing in their favour is that there are no objections.

Mr. Berry This application is a result of an enforcement. The building is at an advanced stage. Mr. Bush bought it from his grandmother and proceeded to complete it.

CPA So it is complete?

Mr. Berry Three are complete and occupied. One is under construction.

CPA There was a 12' access when he acquired the land?

Mr. Bush Yes.

CPA There is a lot of land like that in Cayman. BCU has not been involved?

Mr. Bush No.

CPA Does he rent to people without vehicles?

Mr. Bush Only one unit is occupied with a vehicle. The house itself, his grandmother is still there and she has no vehicle.

CPA What he did, it's not right. If he comes back with any more additions, they'll throw the book at him. What about the shed?

Mr. Bush It's for storage.

CPA He needs to apply for the shed. Thanked them for attending the meeting.

2. 3 ST. JAMES COURT (TERSIVUS BRODERICK) Block 32E Parcel 63 (F99-0247) (P11-0261) (\$425,000) (KA)

Application for the modification of the design of the house.

Appearance at 11:10

FACTS

<i>Location</i>	St James Court, Pedro Castle Road
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	Objectors
<i>Advertisements</i>	NA
<i>Parcel Size</i>	1.36 acres
<i>Building Size</i>	3,395 sq. ft.
<i>Number of Units</i>	1

BACKGROUND

CPA/33/05; Item 2.19 - CPA granted planning permission for 10 units, cabana and pool.

CPA/01/09; Item 2.15 - CPA granted planning permission for a two (2) lot strata subdivision (to permit one (1) unit to be separate from the other nine (9) units).

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, as amended) hereby orders that planning permission CPA/33/05; item 2.19 be modified to change the size and design of the dwelling unit on Strata Lot A.

All other conditions of CPA/33/05; item 2.19 remain applicable.

AGENCY COMMENTS

Comments from the Chief Environmental Health Officer are noted below.

Chief Environmental Health Officer

“The drawing needs to show the dimensions and turning radii that show how the truck can enter, collect, collect and then manoeuvre and exit the property. The property can continue to utilise the bins until 10 units are completed.”

LETTER FROM APPLICANT

“I am writing as Chairman of Strata Plan 577, St James Court.

As the Developer of St James Court and Chairman of the Strata Plan I would like to submit these letters from owners #7, #8 (I currently own and live in # 9) and the Secretary of the Strata Plan.

We are aware that a complaint has been lodged against the Development St James Court and would like to assure the planning board that as a developer we never intended to disrespect the board and or supersede its authority in any way by carrying out preliminary site works on the property.

What happened was a misunderstanding between our Architect and myself in regards to approval of the project.

Please also be aware that no other owners (except # 10) have any objection whatsoever and to the contrary welcome the Developers Unit as it will bring more value to our Development.

All owners were aware of the fluidity of the situation as the project is still being developed and as such some inconveniences will be incurred.

The Strata would like to present these letters from the majority of owners supporting the Developers Unit and await a favourable response in due course.

Letter #1

My name is Evelin Ritch and I am Secretary of the Executive Committee of Strata Plan 577 St James Court.

I would like to state that the Strata Plan has no objection to Mr. Percival Broderick Developer and Chairman of the Strata Plan 577 in building the developers unit on site at St James Court, Pedro Castle.

As this Development is ongoing all owners are well aware of the fact that construction will be taking place until all 10 units are constructed.”

Letter #2

“I presently live at # 7 Saint James Court

I would like to state that I have no objection to the Developer Mr. Percival Broderick in building his Developers unit at the said location on the property. We have been assured by the Developer that his unit will have the same windows, doors, colour scheme and roof finishes of all the units that are currently built. We believe that this would add value to our development and welcome the different square footage options moving forward

In addition we would like to add that we were well aware that this would be an ongoing project and as such construction would be ongoing in the very near future.”

Letter #3

“We were disappointed to hear of the recent problems that you were having with your construction plans. Disappointed, not because anyone loves to be living with construction around their environment, but disappointment for three main reasons.

Firstly, when we bought our unit last year, you were upfront about the plans for future construction and the development of the complex. We were advised of the layout of the complex and the location of various other buildings including amenities that were to be built as the complex grew to its planned size. If I recall properly, the renderings of the completed design are even on the sign that is at the front of the complex. We in fact have been looking forward to the completion of the complex, the addition of a few neighbours and the completion of the amenities that are planned. It would of course be impossible to complete the complex and be in compliance with the promise of a completed project with proposed amenities without having to live through construction. In fact there may be issues of breach of contract if the complex were not completed. The irony being that without construction, you would not be able to be in compliance with what has been promised to all homeowners.

Next, while the end unit (number 10) was being completed we all had to endure the construction crews and noises coming from that site before the current owners took up residence. It was not really an issue for us, but it does seem disingenuous that now they are objecting to something that the rest of us had to endure on their behalf just a few short months ago.

Lastly, and most importantly, my wife and I were commenting to each other that in spite of any trepidations that we may have had about having to live with construction the site was so quiet even with heavy equipment being used that we didn't even notice or hear the progress until we walked or drove by it. The workmen are not loud and boisterous, but in fact very quiet and respectful of our privacy as well. Far different from many sites that I have worked on or lived next to. We do appreciate the obvious attempts to ensure a peaceful environment during the construction phase.

The only advice I could give that might help to resolve the issues is to invite calls for concern from the aggrieved parties to your email and if they cannot be resolved in that forum then to take it to the rest of the ownership. As strata members we must be able to resolve our own issues within the confines of our own laws and agreements without having to resort to official complaints as our first avenue of recourse. It is disappointing that this was not considered in the first place instead of creating disharmony and acrimony in our complex with such drastic measures.

I trust that this issue will be resolved shortly so we can all get back to enjoying our little piece of the country. Please let me know if there is anything else we can do to help expedite the processing of resolving the issues surrounding the completion of the complex.”

Letter #4

“As homeowner of Unit # 8 St James Court I have no objection to the development of the above mentioned. Mr. Percival Broderick has stated development of this unit will conform with existing units at location. I am fully aware that further development is intended for St. James Court.”

Letter #5 – From Real Estate Agent - Remax

“This letter is stating that in fact the current owners; recent purchasers of St. James Court 33E 63 Unit 10, were in fact aware prior to closing of the developers intentions to build his own personal house on the Strata land of St. James Court.

Tamara Siemens had personally given a site plan indicating the house positioning and had a direct conversation of the house site and positioning.

We confirm the owners had fair notice of the site plan and plans of further building.”

OBJECTIONS

“I, Nancy Lacasse, object to the proposed development of Strata Lot A of Block 32E Parcel 63.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for the modification of the design of the house on Strata Lot A of Block 32E Parcel 63. The site is located off Pedro Castle Road.

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) Objector Concerns

In 2005, the CPA granted planning permission for ten (10) individual units. In 2008, the CPA granted permission for a strata subdivision to enable one (1) of the units, Lot A, to be separated from the strata of the other nine (9) units. The applicant is now applying for planning permission for the redesign of this house on Lot A. The owner of unit 10 is objecting to the proposal. The applicant has submitted letters of support from the other units as well as a letter from the Real Estate agent who states that the owners of Unit 10 were informed about the proposed change to Lot A. Both the applicant and the objector have been invited to appear before the CPA.

b) Setbacks

It should be noted that the proposed house would be constructed 10’ from the side boundary adjacent to the driveway and 8’ from the rear boundary, which is adjacent to the parking lot.

c) DEH Comments

The applicant has not provided the garbage skip in the location that is shown on the approved plan. Garbage bins have been placed at the top of the road, on the adjacent parcel. The approved location would no longer be acceptable if the proposed house is approved. Furthermore, a site visit revealed that two

satellite dishes have been placed in the location where the bin should be. DEH is fine with the garbage bins for now, but will require a skip once all units have been built. There is limited space on site for a garbage skip so that applicant may have to reduce the size of the proposed house in order to accommodate the garbage skip. No amended plans were received at the time of writing this report.

At 11:10am, Tersius Broderick appeared as the applicant. Darren Zucker and Nancy Lacasse appeared as objectors.

CPA There is an application for a house, the air photos are on the screen and the plans are on the wall. Apparently there was a misunderstanding with the architect and construction was started.

Mr. Broderick He received a call from GMJ and they said he could start preliminary works, but he still needed a permit. So he did some trenching and some steel work.

CPA The intention was always for this to be a house?

Mr. Broderick He always intended to develop this unit, it will be in the same colour scheme as the other units so the whole development looks thought out.

CPA Are they all detached?

Mr. Broderick Yes. Some people have said they would buy here if the units were bigger. He spoke with the architect and they are planning on building three larger homes where there used to be five.

CPA So this is a work in progress?

Mr. Broderick Yes. His intention is to move forward with the larger plans as this will be better for the development and property values.

CPA So the five may be reduced to three?

Mr. Broderick Yes, he's had trouble selling the smaller ones.

CPA There is an objector, but they didn't really say what their objection was. Are they part of the Strata?

Ms. Lacasse Yes.

Mr. Zucker They purchased the unit in February with the impression that there would be a total of ten units. They woke up one morning and saw an excavation for a building that appeared twice the size of the others. They came to Planning and were informed that in 2008, Mr. Broderick had applied for a larger house on this lot. It seems that planning permission was granted for ten identical units and then two and a half years later he applied for a two lot subdivision so he could build a separate unit. In 2009, that application was refused because of the lot size. Then his agent said it would be an open strata subdivision, they're not clear what that is, nor is lands and Survey, but he wanted to move the one unit here due to the terrain and an error made in the pool location. The remaining buildings would

comply. None of this was shared with them, if they had known they wouldn't have bought. If this new building is built, it will block the view to the sea and devalue their unit and decrease the chance of selling it. Planning told them the steel work was illegal and that they should file an objection. Only after they did that did they realize the details. If it is going to be in front of them they would prefer it to be identical to the others so the view is not blocked as much.

CPA The Board just received their information and it is a lot to digest (see Appendix 1).

Mr. Broderick He read it last night and there are a lot of inaccuracies. It seems to imply that he and Remax are liars and that he has coerced the other owners to work with them and that CPA has not done its job. He strongly objects to this letter. It is based on personal feelings. No one told them, that's not his fault. It is their realtor's fault. There is an approved site plan from 2008 that shows the unit that will block their view. And speaking of that, the sea is not just across the street, it is several thousand yards away.

CPA That far?

Mr. Broderick Yes, they are setback that far. You can't even hear the sea on a quiet night. There was always going to be a unit there. Yes, this is bigger, but there is nothing in the Strata that says it can't be. The project is fluid and he needs to make changes as he goes, as long as it is within the rules and laws. The registered strata plan shows the same entitlement blocking the view. What is better, looking at the back of a building or the side with a nice balustrade? Their main concern is the blocked view, but he can't control that.

CPA Do they have a view of the sea now?

Mr. Broderick Yes, if you go up to the second floor.

CPA When they bought did they know it was a phased development?

Mr. Zucker Yes, but the only plan they were shown was shaped differently, like an 'L'. He got that May 9. Remax said they had a face to face meeting with them – that never happened. He went to their offices and the agent refused to meet with him. He then met with James Bovall and he told him that the agent was referring to an open house in 2010. There was an open house and they were there along with many other people and they were shown the 'L' shaped depiction. They never had a face to face meeting. They wouldn't have purchased if they had known this. Remax says their contract refers to Schedule A, which shows the unit in the front, but their original contract didn't include schedule A, by error or intent he's not sure. He doesn't want to be here, at war. They just bought their dream home. If they try to sell, it will be challenging with a building in the front, but if it is this house in front, then it will be very challenging. He hopes that before a decision is made the Board can go to the site and ensure the development complies. Whatever happens, he hopes for a cordial relationship.

Mr. Broderick They can start by stop stabbing him in the back. They smile at him and then they end up here. They live next door.

CPA What happened with his contract?

Mr. Zucker Appleby and DDL looked at it and he never saw the new plan.

CPA It seems that most of these issues are of a civil nature.

Mr. Zucker When the subdivision was refused because the lot size was too small, those same reasons should apply to this application build on it.

CPA The application wasn't refused, it was adjourned so the Board could get a better explanation for the subdivision. It was eventually approved.

Mr. Zucker The house as shown on the plan over steps the setbacks. He hopes CPA holds him to the letter of the law.

CPA Thanked everyone for attending the meeting.

The Authority considered the application further and determined that:

- The original approval was for ten dwelling units. The applicant then decided to create a raw land strata lot in order to provide some land within the unit entitlement for one of the ten buildings that would now be situated on the separate strata lot.
- The land strata lot is not a "lot" as defined in the Development and Planning Regulations (2003 Revision) and therefore is not subject to the minimum site coverage or maximum site coverage provisions. The Authority is of the view that the original development scheme of ten units is still in place and being respected by the proposed development and that the land strata lot merely provides a slightly different ownership structure for the building situated on it.
- The Authority does not agree with the objectors that their view of the sea will be blocked in any more substantive manner than by the unit that was originally approved for the strata lot. In any event, a view to the sea is not addressed by the statutory planning framework and is not a relevant planning matter for the Authority to consider.

Appendix 1

May 23rd, 2011

Dear Members of the Central Planning Review Board,

I write you regarding our objection to the development of Strata Lot "A" Block 32E Parcel 63 submitted on 13th of April 2011.

On February 1st, 2011 my wife and I purchased unit # 10 at St. James Court (Block 32E/Parcel 63H5). We took up residence the same day. Approximately two months later, on April 6th, 2011, we awoke to heavy equipment excavating the foot print of a building a few meters directly in front of our unit. This footprint was approximately twice the size of the foundation of any of the four existing apartment units – (see attachment 1).

Having not been previously made aware by the developer (Mr. Tertius Broderick) that construction was about to occur, we were both surprised and concerned that it seemed that a very large building was to be erected directly in front of our home. This structure, once completed, would entirely eliminate our site line to the sea.

The very next day – on April 7th, we arranged to meet with Ms. Kristen Augustine of the Central Planning Authority (CPA) to find out what was going on regarding this excavation. Ms. Augustine told us that Mr. Broderick had received approval to build one of the 10 apartment units of the exact same footprint on that location back in 2009.

Furthermore, she informed us that he had just submitted an application to CPA to "expand his developer's unit" on April 6th. This application had been received less than 24 hours prior to our reporting that Mr. Broderick had already begun the excavation of this expanded footprint. Ms. Augustine stated that the application was received on April 5th, 2011 and that a decision regarding this application would be made following a thorough review. She went on to say that no permission to begin construction had been granted and that the construction which we described (and shared photographs of) is in direct violation of Planning regulations.

By sunset on April 7th, less than 48 hours following CPA's receipt Mr. Broderick's application, ironwork was already in place on the construction site and rapid progress was being made toward the erection of this unapproved and yet to be reviewed structure – (see attachments 2, 3 & 4).

On April 13th, my wife and I met with Mr. Dwayne Ebanks of the CPA. We shared photos of the excavation, which by then included substantial ironwork. Mr. Ebanks also confirmed the construction taking place is unapproved, without Planning's consent and illegal. It was suggested that in order to rapidly stop this illegal construction presently underway in front of our home, we could submit a simple letter objecting to the development taking place on the lot designated Lot "A". That objection was submitted that same day and construction ceased on April 14th. Needless to say, the mood displayed towards us around the St. James Court property became noticeably "chilly".

Together with Mr. Ebanks, we reviewed the various applications submitted to CPA regarding the development of 32E63, known as St. James Court.

Below is a synopsis/timeline regarding some of those applications relating to this case:

- December 14th, 2005 (CPA/33/05; Item 2.19)– CPA granted approval for the construction of 10 apartment units on lot 32E63 in a stratified development, to be built in phases –(see attachment 5).
 - Following this approval, 3 identical units and a swimming pool were constructed. Construction on a fourth identical unit was begun. No cabana was built.
 - A separate structure fitted with a deck has been constructed. Could this be the cabana Mr. Broderick was given permission to build? This structure seems to be for the private use of Mr. Broderick and is not accessible to other members of our strata corporation.
- July 2nd, 2008 (CPA/22/08; Item 2.18)– Mr. Broderick made an application to request a 2 lot subdivision of 32E63 so that he could build a separate dwelling unit on the newly subdivided parcel.
- January 7th 2009 (CPA/01/09; Item 2.14 & 2.15) - The CPA Board refused the request based upon the fact that the parcel was well below the required minimum size which would permit it to be subdivided for “detached houses” (about half the required size).
 - On this same date Mr. Broderick’s agent stated to the Board that what Mr. Broderick was now seeking was “not a subdivision application, but an open land strata subdivision”. Building 1 (one of the 10 identical apartment units already approved) would now need to be located within “the proposed Lot- A” and the other nine units would be within the remainder of the parcel.
 - In a letter from the applicant to the Board, Mr. Broderick explained that this relocation of one of the units was necessary. He stated that as phase one was drawing to a close... **“We wish to advise that modifications have had to be made to the positioning of the remaining proposed units due to the sites (sic) terrain and an unintentional error in the positioning of the completed pool and deck”**. He goes on to state that **“The proposed building layouts will remain in compliance with setback, parking, site coverage and building code requirements.”**
- Regarding site design changes and based on the submission above and supporting statements (bolded), the Department determined that it “has no concerns with the site design changes”. They also mentioned that the five remaining buildings on the Western portion of the property have been realigned to face South instead of East.

Clearly when Mr. Broderick first applied to subdivide the lot with the intention to build a “separate dwelling unit”, this request was refused based upon CPA regulations. CPA did grant consent to move one of the approved units (same footprint and size) to location Lot “A”, due to his unfortunate construction error regarding the pool location. On April 5th, 2011 Mr. Broderick began construction of his 3395 square foot, including a 2 car garage “developers unit” amidst the other 1888 square foot apartments. He did

this entirely without the consent of Planning. The construction of this home totally contradicts what the Board determined was permissible back in 2009.

Mr. Broderick has submitted various letters to this Board prior to this week's meeting concerning this construction and our objection. In his letter to the Board dated April 13th, 2011 regarding this illegal construction, Mr. Broderick states that as the developer he "never intended to disrespect the board and or supersede its authority in any way by carrying our preliminary site works on property". He goes on to say... "What happened was a misunderstanding between our Architect and myself in regards to approval of the project".

Dear members of the Board, I suggest to you that Mr. Broderick was, and is well aware that the potential approval of his application dated April 5th, 2011 requesting permission to expand his residence would not be instantaneous. I suggest that he should also have been duly aware that in the eventuality that this request was approved, his plans would need to go to the Building Code Unit (BCU) prior to any permission to begin excavation or construction. Mr. Broderick resides on the property and was present daily on site as the groundbreaking, excavation and ironwork got underway and continued, prior to CPA halting it.

It is quite apparent that Tertius Broderick immediately contacted the other 2 owners and members of strata #577 regarding our objection. He apparently requested that they submit the letters which he has forwarded to you in defense of his application. Please note that the construction in question does not negatively impact their site line and, in fact is occurring on the opposite side of the property from their units (# 7 & #8).

Mr. Muirhead's letter to Mr. Broderick refers to the following:

- When he purchased unit #7, he was fully informed as to the plans for "future construction and the development of the complex". While this may be true, Mr. Broderick never shared such details with us. Certainly, never once did he mention a 3395 square foot house directly in front of our unit or any future amenities and their locations.
- Mr. Muirhead implies that we are somehow objecting to enduring the inconvenience and noise related to construction crews and ongoing construction. This is absolutely not the case and we are not quite sure where he got his idea from.
- The artist's rendering he refers to, which is on the sign posted on the land appearing to be 32E67 in front of our property (see attachment 6), does not accurately relate the site plan (# of proposed houses, roof type, pool & parking location, landscaping, etc) as he mentions in his letter "... the renderings of the completed design are even on the sign that is in front of the complex". You may note that the artist's rendering clearly reflects four units of consistent design and uniform size and does not depict a home of nearly twice the dimension of any of the other units within this apartment complex.
- Towards the conclusion of his letter, Mr. Muirhead states that *The only advice I could give is to invite calls for concern from aggrieved parties to your email, and if they cannot be resolved in*

that forum, then take it to the rest of the ownership. As strata members, we must be able to resolve our own issues within the confines of our own laws and agreements....

- We assume the email being referenced is the one Mr. Broderick sent us on April 11th stating that he will be happy to share the plans with us for his developer's unit and leave a copy for us to peruse (see attachment 7). This clearly confirms that at no time had he shared his plans with us prior to sending this email. On the other hand, if he refers to some other email correspondence regarding this construction, we have received none. Nor have we been invited to, or received minutes from any other meeting regarding the future construction plans or planned amenities for this strata community, of which we are fully vested members.
- We couldn't agree more that direct communication is the preferred path to take. It is with this in mind that shortly after submitting our objection to planning we approached unit #7 and attempted to discuss this matter with Mr. Muirhead. He refused to speak with us.
- The letter requested by Mr. Broderick of his realtors (Remax) states that we "were in fact aware prior to closing of the *developers intentions to build his own personal house on the Strata land of St. James Court*". This, simply never happened. The letter goes on to say that "Tamara Siemens had personally given a site plan indicating the house positioning and had a *direct conversation of the house site and positioning*" with us.
 - I visited the Remax offices to discuss these statements with the signatories of the letter submitted to you. Though unavailable to discuss this with me face to face, I was able to have multiple conversations with their employer / Remax owner & partner Mr. James Bovell regarding this letter. During our second conversation, and after looking into the matter, Mr. Bovell related to me that Ms. Siemens and Ms. Boykonow admitted that if they ever shared a site plan with us (and they assert that they would have), it could have only occurred at an open house geared to sell unit #9 which we randomly attended back in 2009. It was many months prior to our revisiting the development with our real estate agent to view Unit # 10 – a unit we eventually purchased but the construction of which had only just begun on at the time we attended the open house. Any plan, if shared would have depicted 10 units of identical footprints and dimensions. It could not possibly have depicted a 3395 square foot house on Lot "A" as the rendering of the expended floor plan by GMJ Homeplans LTD is dated the 6th December 2010. A mere 9 day prior to our second scheduled close. Mr. Bovell shared that Ms. Boyko and Ms. Siemens also confirmed that no conversations or written communications ever occurred between us regarding Mr. Broderick's "personal home" to be constructed in front of unit #10. I have requested a letter from them stating same. To date, we have not received this letter.
 - Additionally, it was Mr. Bovell that brought to our attention that "Schedule A" referred to in our sales contract with Mr. Broderick was not included in the document we signed. This "Schedule A" document would have depicted the amended site plan indicating that approval had been given to build one of the ten identical units in front of unit #10. He

also confirmed that "Schedule A" is not included in the copy of the contract that Remax (Mr. Broderick's sales agent) has on file. He found this very "unusual".

- The letter submitted by Evelin Ritch – Secretary of Strata plan 577 states that "all owners are well aware of the fact that construction will be taking place until all 10 units are constructed".
 - This is very true, we were always aware of 10 units on the site plan, with 6 still remaining to be built. We were never made aware of any pending submission to CPU to build a larger home in front of our unit, as is required in writing.

Strata Corporation By-Laws absolutely need to be followed. In light of this, it is imperative to discuss how future units will affect the strata corporation. Questions like... Will a larger unit's have potential impact on insurance premium? Will strata contributions and insurance contributions be based upon square footage? Will strata water and electricity be used to build the proposed house? If so, how will this be structured? To our knowledge, none of these matters have been addressed to date.

According to our Strata 577 By Laws "Proprietors Obligations": Clause 33, sub clause 11(page 8) states - *not make any alterations in his strata lot or carry out any works pursuant to sub clause 33(10) without the approval in writing of the Corporation to the plans and specifications thereof and make such alterations or carry out such works only in accordance with such plans and specifications when approved.* Additionally, Clause 33, sub clause 31(page 10) states *not alter or construct on or remove from the common property anything except with the written consent of the Corporation.* As owner of #10, we have yet to receive this notification, as required by our strata by-laws regarding the April 5th submission to expand the residence.

In summary:

- Mr. Broderick's did not inform us regarding his intention to apply for a variance regarding the size of the home he intends to build in front of ours. A home that will eliminate our site line to the sea. "Ocean View" was a key selling point stated in the marketing material produced by Remax regarding this property
- Mr. Broderick's proposed building plan will potentially negatively impact the future salability of our unit (#10)
- A professional property valuation done by DDL Studio on December 23rd, 2010 at our request and as required by Butterfield Bank (our mortgage lender) did not uncover or give any indication that any home would be built in front of our unit and certainly not a larger private residence.
- Mr. Broderick's proposed plan goes against the very nature of this "Apartment" development
- The proposed plan is in direct violation of CPA setback requirements in various locations
- According to our strata by laws, any owner possessing a unit of greater square footage will have a distinct unfair advantage in matters calling for a "poll" as voting will be based upon an "entitlement" format rather than a "one owner = one vote" premise

My wife and I wish to live a quiet life in our new home for many years to come. Believe me when I say that we do not desire to live "at war" with our new neighbors during what we expected to be a very happy time of our lives moving into our new home.

We do expect Mr. Broderick to abide by both CPA and Strata regulations. We sincerely request and hope that you will deny Mr. Broderick's application to build a substantially larger house in front of our apartment.

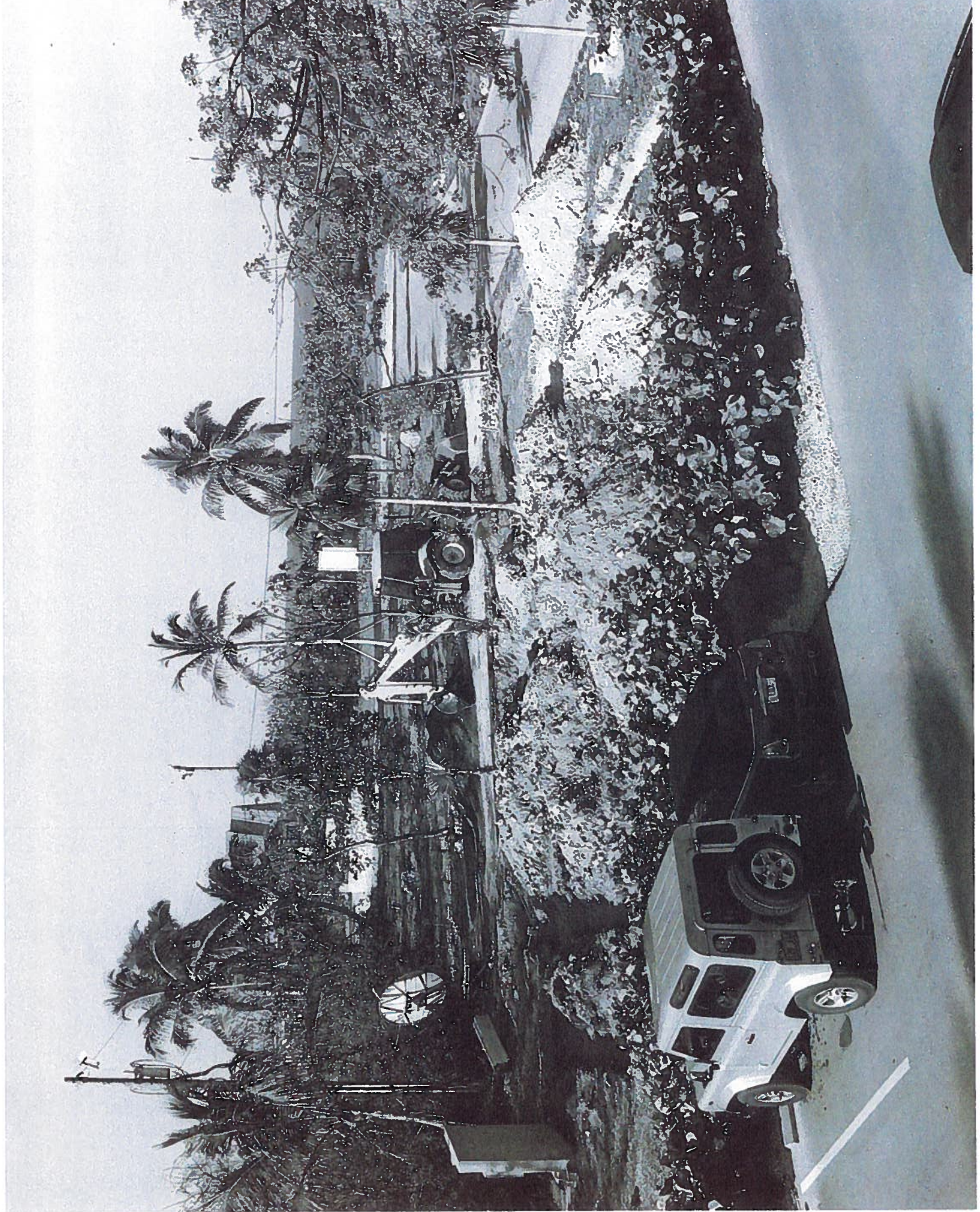
Prior to making your decision regarding Mr. Broderick's application, we humbly request that you the Board members, Ms. Augustine or any other CPA member to come to St. James Court to evaluate the situation. Please review the plans submitted and confirm that all requirements and regulations in place are being observed.

We trust that this Board will make the right decision regarding Mr. Broderick's application and will hold the developer to the letter of the law regarding setback requirements and adherence to all building regulations. Whatever your decision, we shall respect your judgment and hope to renew a relationship of courtesy and mutual respect with all parties involved.

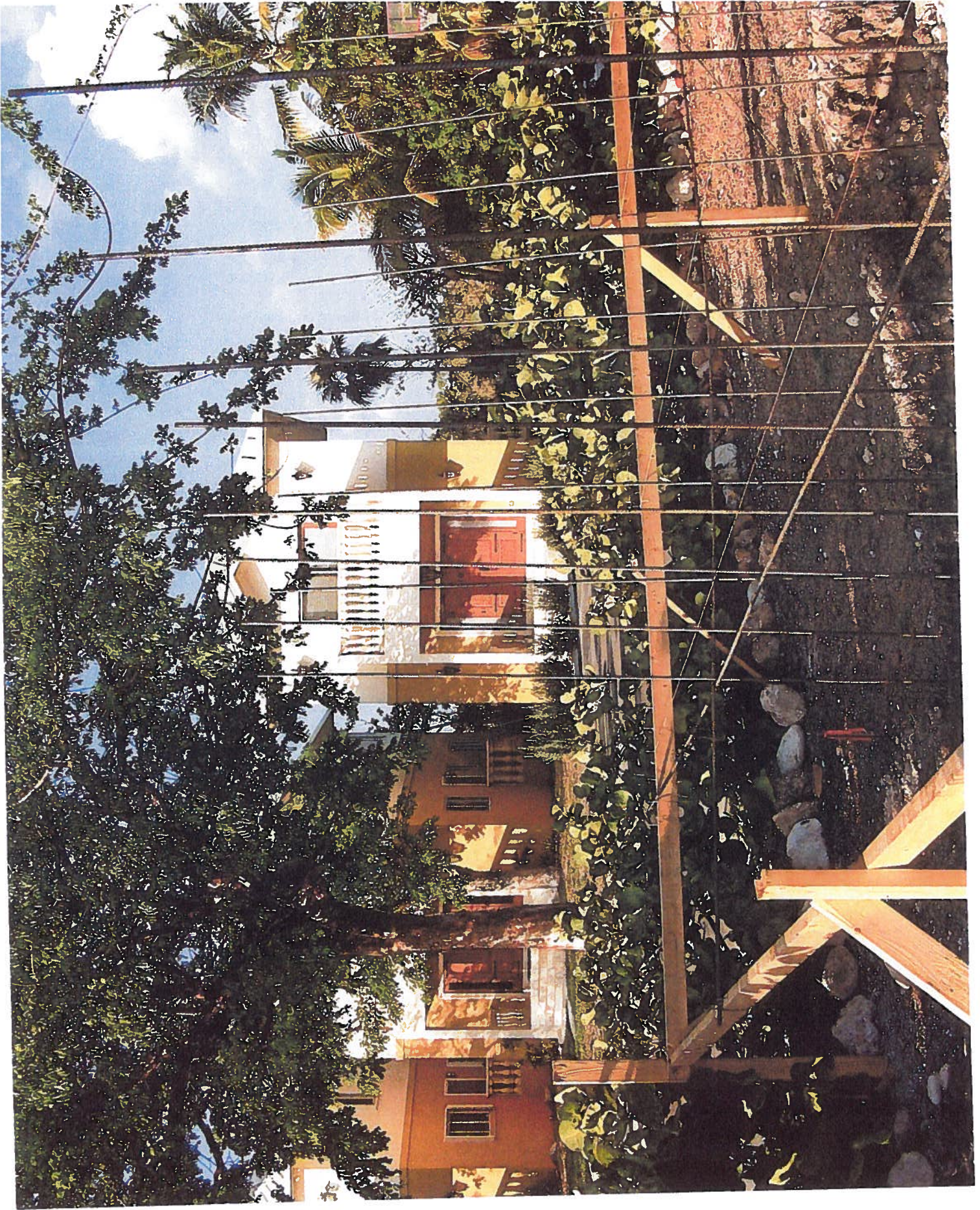
Thank you for your valuable time.

Warmest regards,

Nancy Lacasse & Darren Zucker









12



Lands and Survey Department © Cayman Islands Government.

1:1,000

Lands & Survey Department
 #10, 10th, 1007, Grand Cayman KY1-1102, CI

CAYMAN LAND INFO

Tel: (345) 244 4220 Fax: (345) 940 2187
www.caymanlandinfo.ky

AS

1000

Under construction offering of 1888 sq. ft.,
3 bedroom, 3 bathroom well appointed townhomes.
Each Property will have designer "high-end" finishes and
superior hurricane-rated construction.
These townhouses share the enjoyment of a large
pool and cabana.

Featuring modern open kitchen including
stainless steel appliances and granite counter tops.
A Large master bedroom with private (ocean view) balcony,
walk in closet and ensuite bathroom. Spacious open plan
living and dining area. Shaded front porch overlooking
landscaped gardens and a tropical lagoon style pool.

Prices start at \$369,000 with only 10 units being built



For further information call:

- Tertius Broderick at 345-926-2760
or email: worldgymcayman@yahoo.com



Brochures
TAKE ONE

#6

2. 4 KP'S HEAVY EQUIPMENT LTD. Block 43A Parcels 342 and 344 (F03-0166) (P10-0940) (\$1,240,000) (BES)

Application to modify planning permission to increase the depth of an existing quarry to 50 feet.

Appearance at 11:20

FACTS

<i>Zoning</i>	A/R
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	68.11 acres
<i>Current Use</i>	Quarry

BACKGROUND

November 24, 2004 - The CPA granted planning permission for a quarry on the subject properties.

April 2, 2008 (CPA/13/08; Item 2.14) - The CPA granted planning permission for a 30' deep test pit with conditions.

Decision: It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Law (2008 Revision, as amended) hereby orders that planning permission CPA/26/04; item 2.1 be modified to allow the depth of the excavation to be increased to fifty feet, **subject to the following conditions:**

- 1) The applicant shall advise the Director of Planning when excavation beyond the previously approved depth of twenty feet is to commence. No later than 6 months after that date of commencement, the remaining application fee resulting from the additional material being excavated shall be paid.
- 2) Prior to the date of commencement referenced in condition 1), the applicant shall submit a revised Operations/Closure plan to the satisfaction of the Authority, which must include deleting reference to any residential development around the lake.

All other conditions of CPA/26/04; item 2.1 remain applicable.

AGENCY COMMENTS

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

Department of Environment #1

“The Aggregate Advisory Committee (AAC) reviewed the application at our monthly meeting held 7 February. Our comments follow for your consideration.

- 1. Current Compliance: Compliance with current Planning Permission should be confirmed prior to granting an extension / modification.*
 - a. The drawing accompanying the application submitted from Roland Bodden & Company dated 13 October 2010 does not match the surveys conducted by AAC in March 2010. Specifically, it appears that a portion of the land proposed for excavation has already been quarried. We recommend an "as built" survey to illustrate the current footprint of the excavated area rather than overlaying the outline of the original approved area .*
 - b. A condition of the Planning Permission was to submit surveys illustrating the depth of excavation every 6 months. To our knowledge these survey reports are overdue. A current survey should be submitted.*
 - c. Verification of fees should be made upon receiving the surveys recommended above and any outstanding payments submitted prior to approval of the modification.*
 - d. The Closure Plan described in the Planning Permission would no longer be applicable.*
- 2. Expansion of Quarry: The application requests extending the boundaries of the quarry to within 30 feet of the property boundaries and combining the three quarry pits into a single pit. This extension will eliminate the previously approved residential segment of the Planning Permission. The AAC is in favour of these modifications and recommends approval with conditions that follow.*
- 3. Depth of Excavation: The application requests an increase in the depth of excavation from 20 feet to 50 feet. The AAC cannot agree to this modification due to the following factors. (1) The Pilot Study for Deeper Excavation was conducted to 30 feet in this area and not to 50 feet, therefore the outcome cannot be reasonable predicted. (2) The quarry is located close to and up-wind from proposed residential subdivisions. Deeper quarries have a greater risk of poor water quality resulting in objectionable odours which could be a nuisance for down-wind residents. (3) Two nearby properties are planning agricultural developments and the impacts to groundwater salinity from 50 foot excavation in this location is unknown. The AAC recommends permitting excavation to a depth of 30 feet and Planning Conditions should state a minimum of 28 feet and a maximum of 30 feet.*
- 4. New Closure Plan: Each quarry is required to have an approved Closure Plan to make the quarry a productive site after the excavation is completed. The approved Plan for this quarry was residential housing; however the AAC is not in favour of residential subdivisions adjacent to deep lakes. A new Closure Plan must be submitted and form part of the Planning Conditions.*

Given the small buffer surrounding the lake a wildlife area may be the only practical option. Conditions of the Closure Plan should include the following.

- a. A ledge graded from 0 to -3 foot depth extending into the lake no less than 10 feet must be created around the perimeter of the lake. This is both a safety factor and a means to create vegetated habitat.*
- b. A vegetated buffer of no less than 15 feet extending outward from the lake should be created to filter storm water runoff and to provide wildlife habitat.*
- c. [Department of Environment may provide advice to the applicant on types of native vegetation most suitable for planting in the buffer and ledge]*
- d. The Closure Plan must be implemented concurrently with excavation rather than started at the quarry's completion. The applicant should submit a schedule for the sequence of excavation and planting vegetation. For example: if the excavation is divided into 3 areas then it would be required that the re-vegetation of area 1 is completed before moving on to excavate area 2. Likewise, area 2 will be planted before moving to excavate area 3.*
- e. Planning Permission should be granted by phases corresponding to the sequencing of the Closure Plan as stated in d above. Compliance must be monitored with surveys submitted every 6 months showing both the area and depth of excavation and the extent of replanting in the buffer and ledge. Failure to submit verification surveys should trigger a reminder and/or a stop notice to the quarry operator.”*

Department of Environment #2

"The Department of Environment's Technical Review Committee has reviewed the application and the Department has representation on the Aggregate Advisory Committee (AAC), which has also reviewed and provided its comments on the application (Memorandum to Director of Planning, dated 28 February 2011). Therefore, in addition to those comments summarized by the AAC which the Department fully concurs with, it provides the following comments for consideration.

Depth of Excavation

- 1) The Department concurs with the AAC recommendation that excavation should only be permitted up to a maximum depth of 30 feet as the Pilot Study for Deeper Excavation was only conducted to 30 feet in this location, therefore the outcome cannot be reasonably predicted.*
- 2) The approved Closure Plan for the quarry was residential housing; however, the AAC has expressed concerns regarding the suitability of this land use, given its proximity to deep lakes. The DoE requests that a condition is imposed on any planning permission, which requires consultation with the Department regarding appropriate native vegetation to be used and the creation of a wildlife area as part of the Closure Plan. Landscaping with non-*

native species can be costly to establish and maintain as they typically require more water and fertilizer than those species adapted to local conditions."

Water Authority

"The proposal includes the following modifications to the development granted CPA approval and a Water Authority quarry permit in 2004:

- 1. Increase excavation depth from the current permitted depth of 20ft below water table to 50ft below water table;*
- 2. Excavate both properties entirely, with the exception of a buffer zone at the property boundary;*
- 3. Eliminate the subdivision that was part of the originally approved plan.*

The Water Authority's comments on the 3 modifications are:

- 1. The Water Authority, in conjunction with the Aggregate Advisory Committee and several quarry operators carried out a pilot test into the feasibility of commercial quarry excavations to respectively 30ft and 50ft below water table. This quarry is located within the area where the 30ft pit test was carried out. The 30ft test depth was selected in this area because of its relative close proximity to existing residential development located downwind from this area. Risk of water quality problems, resulting in bad odours, increases with excavation depth as there is relatively less oxygen exchange in deeper lakes. Based on the pilot tests results, the Water Authority agrees to modify the excavation depth for commercial quarries in this area to 30ft below water table, however it does not support a 50ft below water table excavation at this location due to its potential to affect existing residential development downwind from the quarry.*
- 2. The Water Authority has no objections to the proposed footprint of the excavation.*
- 3. Should the proposal be approved by the CPA without the proposed subdivision as per 2004 proposal, the Water Authority's original 2004 requirement that the developer installs piped water supply for the subdivision is withdrawn.*

In summary: the Water Authority agrees to the proposal with the requirement that the excavation is carried out to a maximum depth of 30ft below water table.

Section 34 (1) of Water Authority Law (1996 revision) requires that anyone who undertakes the construction, replacement or alteration of a quarry is required to obtain a permit from the Authority, subject to such terms and conditions as it deems fit. A quarry permit will be considered upon receipt of a completed quarry permit application form, with all required submittals, including:

- 1. Proof of Planning Permission.*
- 2. Proof of advertising for the proposed development.*

3. *Plans showing proposed area for excavation, elevations prior to excavation and finished elevations after proposed excavation, including cross sections and proposed depths. Plans shall be prepared by a licenced land surveyor.*
4. *Certified copy of Land Registry (issued less than 4 weeks before this application).*
5. *The quarry Permit fee as set out in Schedule 2 of Water Authority Regulations (\$0.02 per square metre).*
6. *Proof of third party liability insurance, if blasting will be carried out for this excavation.”*

National Roads Authority

“As per your memo dated February 14th, 2011 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Based on the information provided on the submitted application, the NRA has no objections or concerns with the above proposed excavation.

Please note that the NRA specifies a minimum 500ft buffer from any structure for a blast (if needed for the excavation).”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting to modify planning permission to increase the depth of an existing quarry site located next to Marc Wood quarry, Bodden Town. The new proposed depth is 50 feet.

The applicant was required to poll adjacent landowners residing within a 750’ radius of the properties and obtained 56% consent from landowners residing within the notification radius, whereas 51% is required. Additionally, the applicant had advertised the application in the newspaper.

Zoning

The property is zoned Agricultural/Residential and while the proposed use is a permitted use per Regulation 21, the Department would offer comments on certain specific issues addressed below.

Specific Issues:

a) Lake Depths

The Aggregate Advisory Committee (AAC) is recommending an excavation depth of 30’ below MSL, whereas the applicant is proposing a maximum depth of 50’ below MSL. The resultant volume of excavated material would be 2,983,860 cubic yards at 30’, or 4,973,100 cubic yards at a depth of 50’ as proposed by the applicant. In this instance, the Department would recommend the same depth of 20’ below MSL as the adjoining marl pit depth for consistency, but could also support the 30’ depth as noted by the other agencies.

b) Adjacent Quarry

On November 10, 2010 (CPA/26/10; Item 2.5), the Authority granted planning permission to increase the depth of an existing quarry on Block 43A Parcels 343 and 345 (Marc Wood) adjoining the subject properties to 20' maximum. The AAC had recommended a maximum depth of 20'.

c) Lake Depths Survey

The applicant has submitted a recent survey dated February 25, 2011 of the lake depths and it appears that a portion of the land proposed for excavation had already been quarried.

At 11:20am, Burnadette Wood, Philip Bodden and Orsino Pink appeared on behalf of the applicant.

CPA Was the pit approved for 30 feet or 20 feet?

Ms. Wood 30 feet. She was going to do a 30 foot test pit, but she couldn't, but they automatically gave her 30 feet anyway.

CPA What are the depths of the other pits?

Ms. Wood Carlos is 30 feet, Justin is 20 feet, Paul Bodden is 50 feet.

CPA Midland Acres?

Ms. Wood They got approval for 50 feet, but they didn't do it.

CPA She was not offered a 50' test pit?

Ms. Wood No, 30 feet. It went to Cabinet to approved 50 feet in this area.

CPA How far between the pits?

Mr. Pink 5600 feet from Paul Bodden to Bernadette's.

CPA Between Paul and Midland Acres?

Mr. Pink 7000 feet.

CPA Why are the lakes separate?

Ms. Wood When she applied she was told they preferred three lakes. The Aggregate Advisory Committee now says to join the lakes.

CPA And the thinking has changed for developing around the deeper lakes so that there isn't any residential development.

Ms. Wood Yes, she will abandon her plan for houses around the lake.

CPA She will have to update her closure plan. She needs to submit a modification.

Ms. Wood Yes.

CPA Thanked them for attending the meeting.

2.0 APPLICATIONS

REGULAR AGENDA (Items 2. TO 2. 26)

2. 5 JOHN EBANKS Block 4B Parcel 107 (F11-0173) (P11-0323) (BES)

Application to modify planning permission for five (5) one-storey houses.

FACTS

Location Finch Drive off Birch Tree Hill Road, West Bay

Zoning **HDR**

Parcel Size 0.6 Acres

BACKGROUND

November 24, 2010 (**CPA/27/10; Item 2.8**) - The CPA granted planning permission for five (5) dwelling houses on the subject property with conditions.

March 16, 2011 (**CPA/05/11; Item 2.7**) - The Authority granted planning permission for a five (5) lot strata subdivision with conditions.

March 22, 2011 - Building Permits were issued for five (5) dwelling houses on the subject property.

April 13, 2011 (**CPA/07/11; Item 2.15**) - The Authority modified planning permission to change the subdivision from raw land strata to freehold.

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, as amended) hereby orders that planning permission CPA/27/10; item 2.8 be modified to allow a revised site layout with separate driveways for each unit.

All other conditions of CPA/27/10; item 2.8 remain applicable.

LETTER FROM APPLICANT

"Please note that an application was submitted and approved by the Central Planning Authority on April 13, 2011 to modify a 5 lot Raw Land Strata subdivision to a Freehold Subdivision. As a result the 5 homes that were approved and issued building permits under a strata subdivision now fall slightly shy of the 10ft. normal residential setback.

Therefore, in order to utilize the plans as approved I hereby request favorable consideration for a variance to the existing set back shown as 7'-8.5" between all inside boundaries. All outside boundaries meet or exceed planning requirements."

PLANNING DEPARTMENT ANALYSIS

General

The application is to modify planning permission for five (5) one-storey houses side setbacks variance. The property is located on Finch Drive and Allamanda Drive, Birch Tree Hill, West Bay.

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 the following comments regarding specific issue noted below.

Specific Issue

a) Number of Driveways

When the current existing plan was approved, there was one entrance/ exit into the site leading to a common driveway with 10 parking spaces. The proposed modification will now introduce 5 separate driveways with only 1 parking space each. The Department is somewhat concerned with having five driveways onto Finch Drive and in the reduction in the number of parking spaces from 10 to 5 as this may encourage vehicles parking on the street.

b) Building Setbacks

As noted above, the proposed houses and raw land strata subdivision were originally granted planning with similar building setbacks. In addition, building permits were issued on March 22, 2011 for the dwelling houses. Subsequently, the applicant again requested a modification to planning permission to change the subdivision from raw land strata to a freehold. As a result, the building setbacks then became an issue that requires variance setbacks. The proposed side setbacks are varies from 7' to 8'-5" to 8' from the new subdivision boundaries. The Department has no concern with the variances as it is only a technical issue that has arisen from going from a strata subdivision to a freehold subdivision.

2. 6 CHRIS LAWSON Block 4B Parcel 50 (F11-0073) (P11-0242) (\$624,500) (DE)

Application for five (5) houses.

FACTS

<i>Location</i>	Finch Drive, West Bay
<i>Zoning</i>	HDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.6 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Houses
<i>Building Size</i>	4,996 sq. ft.
<i>Density</i>	8.3
<i>Building Coverage</i>	19%
<i>Proposed Parking</i>	5
<i>Required Parking</i>	5

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

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

- 1) The applicant shall submit a 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.**
- 2) 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.*
- 3) The applicant is required to obtain a Building Permit from the Chief Building Control Officer. Construction shall not commence prior to the issuance of a Building Permit.
- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

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 Environmental Health Officer, Water Authority and National Roads Authority are noted below.

Chief Environmental Health Officer

"The plans meet the requirements of the Department."

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) 750US gallons for each of the proposed single dwelling house. 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 Cayman Water Company's (CWC) piped 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."

National Roads Authority

"The NRA would like to meet about the proposed development because a part of Finch Drive and Thistle Lane are built on the above parcel. And we cannot comment on the proposed development until the road issue is rectified."

Subsequent to these comments, the Department, the applicant and the NRA met and the NRA is now satisfied with the strip of land being set aside for future road widening purposes.

PLANNING DEPARTMENT ANALYSIS

General

The application is for five (5) houses ranging from 978.72 sq. ft. to 1,084 sq. ft., to be located on Finch Drive and Fountain Road, West Bay.

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 the following comments regarding specific issues noted below.

Specific Issues

a) Suitability

The surrounding land uses in the immediate area are single-family residential, apartments, churches and vacant properties. Pursuant to Regulation 9(6) of the Development and Planning Regulations, the Authority needs to ascertain whether or not that the proposal is suitable for the area. From a planning perspective, the property is suitable for development.

b) Density Requirements

The proposed density is 8.3 dwelling houses per acre, whereas the maximum allowable density is 6 dwelling houses per acre. The Authority is reminded of the recent approval granted for almost the identical development on 4B 107 for John Ebanks (see item on this Agenda). It would appear to the Department that the issue of density has already been resolved.

2. 7 CORY STRANDER Block 69A Parcel 95 (FA92-0081) (P11-0371) (\$15,000) (DE)

Application for an after-the-fact seawall.

FACTS

Location Off Queens High Way Road, East End

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

“We would like to submit three (3) sets of Site Plan and two (2) sets Photo Elevations for the above referenced to apply for Planning Permission to the Central Planning Authority.

Further to our application, our client would like to let the Department know that while he understands that the Department is only implementing the Law and that he will have to pay the Planning Fees as required (which is as per the Law, ten times the regular fee of the development), he just wanted to voice out his concerns as he feels that he is a victim in all of this.

Below are some points our client would just like to put across through us, his agents, so that the Department will be able to come up with solutions to minimize similar situations in the future:

- 1) *The client has purchased the property and contracted with Mr. Stephen Faucette to do extensive renovations. Mr. Faucette is unfortunately not on island anymore and is now living in Australia, so the client has no means of suing him now with the mess he left.*
- 2) *The client is not a resident of the Cayman Islands and has come here investing on a vacation home which they are only Planning to occupy only occasionally. He is not familiar with the Planning Laws of the Cayman Islands and was advised by the Contractor that he doesn't need Planning Permission to finish up the wall that has already been partially built before he bought the property. Since he is not a resident and is not familiar with the Planning Laws, he took Mr. Faucette's word on it.*
- 3) *Now that it turns out that the wall does need to have Planning Permission to be built, he feels that it is unfair on his part to be penalized because of the contractor's ill advice. He also thinks that the Department could have advised him well before when it was being built as inspectors do come in from time to*

time, especially when an addition was applied for in 2008. Please note that TAG has no idea of the status of Planning Permission for the wall at that time.

- 4) The client would like to suggest to the Cayman Islands Government in particular, to consider creating a BETTER BUSINESS BUREAU, so that foreigners like himself that are willing to make large investments in the Cayman Islands will have a way of checking into a contractor's reputation. He thinks that if the Planning Department is going to penalize an investor, it should provide a list of reputable contractors, or have a department that collects contractor complaints and have them made available so potential investors can view them.*
- 5) The client knows that the Cayman Islands Government can't police every contractor's diligence, but it should be pro-active in trying to help the victim (investor) avoid unscrupulous contractors by implementing strict Licensing on Business Permit Applications for Contractors. He would have had no problems doing things legally and pay the \$250.00 Planning Fees for the wall if he had only knew about it from Day 1.*

Having written the points above, the client sincerely hopes that the Department and the Central Planning Authority Board seriously consider ways to avoid this type of things to happen in the future. We have also attached with the letter some photos showing the partially built wall in 2008 that was extended eventually for additional reference.

If you require further information, please do not hesitate to call us at the numbers below. Thank you very much and God bless."

PLANNING DEPARTMENT ANALYSIS

General

The application is for an after-the-fact seawall located off Queens High Way Road-East End.

Zoning

The property is zoned Low Density Residential and while the proposed use is generally permitted per Regulation 9 (8) of the Development and Planning Regulations (2006 R), the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Site Suitability

The Queens High Way area, like the Seven Mile Beach and North-West Point areas, represents an important natural asset to the local economy through tourism, real estate, recreation. Modification of the natural ironshore system has the potential to impact all of these resources. The Central Planning Authority should consider carefully approving these types of structures prior to them becoming common place on Queens Highway area, drastically altering its natural processes and aesthetic appeal. It is noted that there is a

similar wall on the adjoining property, but there is no record of it having received planning permission.

b) High Watermark Setback

Regulation 8 (10) (e) states that in areas where the shoreline is iron shore (except hotel and tourist related zones), all structures and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of 50 feet from the high water mark. The setbacks for the after-the-fact seawall range between 21' to 31' due the irregular shape of the iron shore line. Regulation 8 (11) also states that a lesser setback can be granted, having regard to-

- (a) the elevation of the property and its environs;
- (b) the geology of the property;
- (c) the storm/beach ridge;
- (e) the location of adjacent development; and
- (f) any other material consideration which the Authority considers will affect the proposal.

2. 8 IGLESIA EMBAJADORES DE DIOS Block 14D Parcel 130 (F07-0525) (P11-0187) (\$6,500) (BES)

Application for a temporary church tent.

FACTS

<i>Location</i>	Off Bobby Thompson Way
<i>Zoning</i>	MDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	2.224 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Temporary Tent
<i>Building Size</i>	2,600 sq. ft.

BACKGROUND

July 2, 2008 (CPA/22/08; Item 2.1) - It was resolved to adjourn the application, for the following reason:

1. It is premature for the Authority to consider the application until appropriate road access is gained to the property through either a registered 30' vehicular right-of-way or a public road.

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

AGENCY COMMENTS

Comments from the National Roads Authority are noted below.

National Roads Authority

"As per your memo dated March 11th, 2011 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

The development of the above block and parcel at this time is pre-mature as negotiations between two (2) landowners (Block 14D Parcel 297 Rem 1 and Block 14D Parcel 240) is still pending. Based on these negotiations the alignment of the proposed Linford Pierson Highway (LPH), gazetted under BP 437, may be adjusted which will affect the layout of the above site. We recommend moving the tent to the north-west boundary, we base this request on the fact that the site plan shows on concrete pad/formation for this "temporary use".

Response to Agency Comments

With respect to the NRA comments in relation to moving the building to the north-west on the property, the applicant has indicated that the floor would be of wood instead of concrete.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a temporary church tent (2,600 sq. ft.) to be located off Bobby Thompson Way. The applicant is requesting planning permission for one year. It should be pointed out that the Authority has granted planning permission to conduct church meetings in the temporary tents for a limited time period on Block 14D Parcel 297 Rem 1.

Zoning

The property is zoned Medium Density Residential and while the proposed use is a permitted use per Regulation 9(7), the Department would offer the following comments regarding specific issues noted below.

Specific Issues

a) Access

Access to the property is via a vehicular right of way off Bobby Thompson Way and Linford Pierson Hwy. Currently, there is a marl road to the site that would need temporary improvements.

b) Parking Requirements

As indicated on the site plan, a total of thirty four (34) parking spaces are proposed, whereas forty six (46) parking spaces are required in accordance with Regulation 8(1)(i) of the Development and Planning (Amendment)(No.2) Regulation, 2010. It should be pointed out that there is space on the site that

the additional parking spaces can be provided to comply with the minimum requirements of the regulations.

c) NRA's Comments

With respect to the NRA's comments in relation to moving the structure to the north-west boundary, the applicant has indicated that the floor would be constructed of wood instead of concrete. Moving the tent to the said boundary, the Department is concern that noise from the tent will disturb the neighbourhood residing at Sunset Retreat apartments adjoining the subject property during church services. As an alternative, the Department would recommend that the structure be moved 40' from the future By-pass road (BP 437).

2. 9 ARETHA JOY BUSH Block 72C Parcel 270 (F11-0071) (P11-0234) (\$74,290) (BES)

Application for a 2-bedroom house.

FACTS

<i>Location</i>	Off Survivors Road and John McLean Drive, East End
<i>Zoning</i>	MDR
<i>Parcel Size</i>	2 Acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	House
<i>Building Size</i>	782 sq. ft.
<i>Density</i>	0.5
<i>Building Coverage</i>	0.9%
<i>Proposed Parking</i>	1
<i>Required Parking</i>	1

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 2-bedroom house (782 sq. ft.) to be located off Survivors Road and John McLean Drive, East End.

Zoning

The property is zoned Medium Density Residential and while the proposed use is a permitted use per Regulation 9 (7), the Department would offer comments on certain specific issue addressed below.

Specific Issue

a) Access Road to Site

Access to the subject property is via a 30’ vehicular right-of-way over Block 72C Parcel 280. A site visit was conducted at the above captioned property and it was observed that the access road to the property is not constructed. As a result, the Department would suggest that in the interim a minimum a 12’ wide marl access road to the site (approximately 660’ to the proposed drive way or 525’ to the eastern property line of the subject parcel) could be constructed. When the other lots are developed then the 30’ wide access road should be constructed to the NRA standards.

2. 10 NATIONAL GALLERY Block 13C Parcel 18 (F06-0470) (P11-0314) (\$2,000) (BES)

Application for after-the-fact temporary signage.

FACTS

<i>Location</i>	National Gallery construction site on Esterley Tibbetts HWY
<i>Zoning</i>	LDR
<i>Proposed Use</i>	After-the-Fact Signs
<i>Building Size</i>	320 sq. ft.

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

- 1) The sign shall be removed prior to a Certificate of Occupancy being issued.
- 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.

PLANNING DEPARTMENT ANALYSIS

General

This application is a result of enforcement action in respect of the above captioned application. The applicant is requesting planning permission for after the fact temporary signage affixed to a construction fence located at the National Gallery construction site on Esterley Tibbetts HWY.

The size of the sign is as follows:

- Length: 80'-0"; Width: 4'-0"; Area: 320 sq. ft.

Zoning

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

Specific Issue

a) Sign Size

In accordance with section 7 of the Draft Sign Guidelines, billboards signage is prohibited signs and it detracts from the character of its surroundings. As indicated in photos, ten (10) after the fact signs (320 sq. ft.) are painted on sheets of a plywood construction fence. If the CPA is considering approving the temporary signage, the Department would suggest that one temporary sign (32 sq. ft.) would be sufficient to advertise "Go Yellow.com".

2. 11 BRITANNIA CONDOMINIUMS PHASE 1 Block 12D Parcel 25 (F11-0107) (P11-0353) (\$90,000) (CS)

Application to modify the parking layout for an existing condominium development and to add 44 parking spaces.

FACTS

<i>Location</i>	The Britannia condominiums on Britannia Drive in Seven Mile Beach
<i>Zoning</i>	H/T
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	3.8 acres
<i>Current Use</i>	Apartments
<i>Proposed Use</i>	Parking
<i>Existing Parking</i>	56
<i>Proposed Parking</i>	44

BACKGROUND

Phase I of the Britannia Condominiums have been approved on this site.

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

- 1) The parking spaces shall be surfaced with asphalt, striped and except for the parallel spaces, provided with tire stops.

- 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.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission to modify the parking layout for an existing condominium development and to add 44 parking spaces.

Zoning

The site is zoned Hotel/Tourism. The proposed development is allowed in the zone and the Department has no concerns regarding the proposal.

This portion of the Britannia Development consists of four buildings and 53 strata units. There are fifty-six (56) existing parking spaces, which essentially only allow one space per unit. The Strata wishes to provide additional parking that is more in line with the current parking regulations (which would require 80 spaces) and would meet the needs of the strata owners. Parallel and angled parking is proposed along Britannia Drive, without decreasing the width of the drive, as well as additional perpendicular spaces. The Department would ask the Authority to determine whether the new parking spaces backing onto Britannia Drive are appropriate given that that road can be quite busy at peak hours.

2. 12 KIM LUND Block 5C Parcel 139 (FA78-0149) (P11-0340) (\$10,000) (CS)

Application for an after-the-fact deck extension to a house.

FACTS

<i>Location</i>	On Boggy Sand Road in West Bay
<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>	Deck

BACKGROUND

There is an existing house on the site.

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.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for an after-the-fact deck extension to a house.

Zoning

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

Specific Issues

a) High Water Mark Setback

The deck extension is being built to 50' from the High Water Mark. The applicant assumes a 50' High Water Mark setback, which is the required setback for houses located on ironshore. The Department is of the opinion the shoreline is sandy beach and therefore is subject to a 75' High Water Mark setback. The Department has attached pictures for the CPA to consider.

The Authority is recommended to discuss whether the property is subject to a 50' or 75' High Water Mark setback. If the shoreline is deemed sandy beach, than the CPA shall further determine whether there are extenuating circumstances that exist to grant a 15' HWM setback variance for the after-the-fact deck.

2. 13 LETTERSTONE ZEPHYR LTD Block 14BG Parcel 100 (F11-0090) (P11-0298) (\$40,000) (CS)

Application for a 275 gallon fuel tank and generator.

FACTS

<i>Location</i>	The Zephyr House on Mary Street in Central George Town
<i>Zoning</i>	G COM
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	14,070 sq. ft.
<i>Current Use</i>	Commercial Building
<i>Proposed Use</i>	Generator and Fuel Tank

BACKGROUND

May 13, 1987 (CPA/10/87; Item 7.7) - The Authority granted planning permission for a 5 storey, 12,491 sq. ft. commercial building.

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) The applicant is required to obtain the necessary approvals from the Chief Petroleum Inspector.
- 3) 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

“We initially priced the generator located in the furthest north-east corner (as suggested) but due to high installation costs since the distance was so far from the electrical room, we placed it as shown on the drawings submitted.

It’s a fairly small generator in size which didn’t make sense to the owner.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a 275 gallon fuel tank and generator.

Zoning

The site is zoned General Commercial. The proposed development is allowed in the zone, however the Department wishes to discuss the following concerns:

Specific Issues

a) Parking

In 1986, the Zephyr House was approved with 23 parking spaces. Over time, the site has gained 9 spaces, to a total of 32 spaces. The proposed fuel tank and generator are to be located within one of the parking spaces.

If this building was to comply with the current Planning & Development Regulations (2008 Revision), this development would require 43 parking spaces, based on 1 space per 300 sq. ft.

The Authority is recommended to discuss whether reducing the amount of parking for this development is appropriate as the tenants have added spaces to accommodate the building's use.

The Department recommends the fuel tank and generator be relocated to the northeast corner of the site, where there is no current parking.

b) Setbacks

The proposed location of the generator encroaches the 6' side setback by 1'. The generator cannot comply with the setback as it would encroach into the 22' wide drive aisle. If the generator was moved to the northeast corner, the generator would be able to comply with the side and rear setbacks.

2. 14 CONNIE C. EDWARDS Block 3D Parcel 108 (F05-0208) (P11-0324) (\$47,000) (DE)

Application for a two-storey detached building that includes 4 bedrooms, a living room and loft; a single-storey garage; and two (2) decks.

FACTS

<i>Location</i>	Off Conch Point Road opposite Conch Pointe Apartments, West Bay
<i>Zoning</i>	H/T
<i>Notice Requirements</i>	No Objectors
<i>Advertisements</i>	NA
<i>Parcel Size</i>	1.08 acres
<i>Current Use</i>	House
<i>Proposed Use</i>	House/Deck/Car Garage
<i>Building Size</i>	2,620 sq. ft.
<i>Density</i>	1.85
<i>Building Coverage</i>	8%
<i>Total Site Coverage</i>	8%
<i>Existing Parking</i>	2
<i>Proposed Parking</i>	2
<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.

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 OF CONSENT

“We have examined the proposed drawing submitted for planning permission dated April 21, 2011 and have no objection to the proposed setback encroachment.”

PLANNING DEPARTMENT ANALYSIS

General

Application for a two-storey, detached building that includes 4 bedrooms, a living room and loft; a single-storey garage; and two decks, located off Conch Point Road opposite Conch Pointe Apartments, West Bay.

Zoning

The subject parcel is zoned Hotel/Tourism related development (H/T), while the proposed use is a permitted use per Regulation 10 (1) (d), the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Sides Setback

The proposed sides setback for the two storey building and proposed deck varies from 15’ to 18’ and the car garage side setback is 15’-5” inches which does not comply with Regulation 10 (1) (f) side setbacks shall be a minimum of twenty feet. The applicant has a written consent letter from the affected landowners of parcel 109 which noted *“We have examined the proposed drawing submitted for planning permission dated April 21, 2011 and have no objection to the proposed setback encroachment.”*

b) Building Categorization

The proposed two-storey building includes 4 bedrooms, a living room, loft, two bathrooms and closets – there is no kitchen. Given the lack of a kitchen, but all of the other rooms, it is difficult to categorize the building as a dwelling, but it can be considered as guest quarters, as the building code does not require a kitchen for this type of structure. The Department recommends that the Authority consider this issue.

2. 15 CLIVE HARRIS Block 23B Parcel 15 (FA91-0133) (P11-0267) (\$175,000) (DE)

Application for two (2) detached residential buildings which include a single storey guest cottage and a two storey building for a car garage on the ground floor and helper's quarters on the upper floor.

FACTS

<i>Location</i>	Off Shamrock Road adjacent to Vista Caribe Condos
<i>Zoning</i>	BR/R
<i>Advertisements</i>	NA
<i>Parcel Size</i>	0.6 acres
<i>Current Use</i>	House
<i>Proposed Use</i>	Houses
<i>Building Size</i>	2,010 sq. ft.
<i>Density</i>	5
<i>Footprint</i>	1,414 sq. ft.
<i>Building Coverage</i>	11%
<i>Total Site Coverage</i>	11%
<i>Existing Parking</i>	2
<i>Proposed Parking</i>	4
<i>Required Parking</i>	3
<i>Number of Units</i>	1

BACKGROUND

August 21, 1991 (**CPA/21/91; Item 3.5**) - It was resolved to grant planning permission for a 2-storey house

August 22, 2002 - Administrative approval was given for a Carport

February 20, 2008 (**CPA/07/08; Item 2.21**) - It was resolved to grant planning permission for a 5' high plastic/vinyl fence.

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.

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

“The proposed additional structures will serve as a guest cottage attached to the existing main residence on the property along with a garage with helpers accommodation above.

The proposed structures are setback from the side property line in accordance with the requirements of Low Density residential zoning (15ft for single storey structures and 20 ft for two storey). We have reviewed this approach with Collen Stoetzel and have justified it on the basis that the property is being used as a single family residence.

The application also propose an 8ft high wall set within 5ft of road boundary. This wall is to serve as an acoustic buffer to the main east/west arterial road which runs to the north of the property and has had an increasingly significant noise effect on the property with increased traffic flow and speeds in the recent years.

While the owner accepts the policy of the department of planning with regards to high walls around properties he feels strongly that with sufficient landscape screening, the visual impact of the wall will be minimal.

We are proposing that the existing landscape screening to the road boundary is retained and augmented to screen the proposed wall. Our submission indicates the height of the existing landscape in relation to the proposed wall.

We look forward in advance to a favorable review of this request for planning permission.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for two detached residential buildings which include a single storey guest cottage and a two storey building for a car garage on the ground floor and helper’s quarters on the upper floor. There is an existing dwelling on the property, which is located off Shamrock Road adjacent to Vista Caribe Condos.

Zoning

The subject parcel is zoned Beach Resort Residential (BRR), while the proposed use is a permitted use per Regulation 15 (3), the Department would offer

comments on certain specific issues addressed below.

Specific Issues

a) Written Consent Letter

The applicant's agent sent out Section 15 (4) Notices to the two adjacent landowners for consent for side setback variances. To date, the Department has not received a reply from the adjacent landowners.

b) Density

As prescribed in Regulation 15 (3) (a) of the Development and Planning Regulations (2006 Revision): The maximum density for houses is four detached houses. The density of the existing and applied for units equates to 5 units per acre.

c) Lot Size

The lot size required for the existing detached dwellings is 10,000 sq. ft. per Regulation 15 (4) (a). Accordingly, the minimum lot size for the existing unit and the units being applied for are 30,000 sq. ft. The subject parcel size is 0.60 acres or 26,136 sq. ft.

d) Wall Height

The Department is of the opinion that the proposed 8' high wall and gate post along the front boundary of this property which is setback 5' from the road boundary line is too excessive for this area (see attached picture in trakit). Currently, the applicant has approximately a 3' high wall with high vegetation/landscaping at the back of the existing wall used as a barrier and screening from this major road corridor. Furthermore, the proposal does not comply with CPA guideline for wall/fence which 4'.

e) Deficient Sides Setback

The proposed sides setback for the guest cottage is 10' and the 2 storey building with the car garage and helpers quarters is 16' which does not comply with Regulation 15 (4) (b) side setbacks shall be a minimum of twenty feet. However, the Authority does have the discretion to vary this setback requirement.

2. 16 LINDA COLLINS Block 4E Parcel 292 (F11-0106) (P11-0352) (\$94,000) (DE)

Application for a single storey house.

FACTS

<i>Location</i>	Off Powell Smith, West Bay
<i>Zoning</i>	HDR
<i>Notice Requirements</i>	No Objectors
<i>Advertisements</i>	NA
<i>Parcel Size</i>	0.4 acres
<i>Current Use</i>	House and Storage Shed
<i>Proposed Use</i>	House
<i>Building Size</i>	1,162.8 sq. ft.
<i>Density</i>	5
<i>Building Coverage</i>	16%
<i>Total Site Coverage</i>	16%
<i>Existing Parking</i>	2
<i>Proposed Parking</i>	2
<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.

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].

PLANNING DEPARTMENT ANALYSIS

General

The application is for a single storey house (1,162.8 sq. ft.). The property is located off Powell Smith, West Bay.

Zoning

The subject parcel is zoned High Density Residential (HDR), 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) Road Access (Suitable Road Access)

The Department would like to point out the proposal does not have a suitable road access. The land register indicates only a pedestrian right of way. In addition, the Authority should bear in mind and take into consideration the following:

1. The subject lot is in area that is physically possible to get a proper road access however the Government/NRA has a Boundary Plan (BP353) which the NRA has no physical date to start construction on this road improvement.
2. The subject parcel currently has an existing family house on it. The applicant is proposing another family house which is a tremendous improvement to the area and the parcel of land.
3. The area is surrounded by family property that has traditionally use access over each other property and living in a communal setting for generations.
4. The subject lot was first registered on 31 October 1973
5. Furthermore, several parcels in this area have similar road access issues and any road works on this Pedestrian Right of Way will be an improvement for Powell Smith Road and their residences.

Finally, the Department is of the opinion that the proposed meets Regulations 8 (13) in regards that i) an exceptional circumstances exists; and ii) there is sufficient reason why the permission should be granted.

Therefore, the Department has forwarded this application to the Authority for consideration.

2. 17 GRAEME THOMSON Block 7C Parcel 47 (F11-0108) (P11-0355) (\$100,000) (EJ)

Application for a swimming pool and pond.

FACTS

<i>Location</i>	Moxam Road
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	10,794 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	Swimming Pool and Pond
<i>Density</i>	4.04
<i>Allowable Density</i>	4

BACKGROUND

Existing house on parcel, but no available history on Trak-it and Land Information System.

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

In addition to Building Permit requirements, condition (1) listed below shall be met before a Building Permit can be issued.

- 1) The construction drawings for the proposed swimming pool shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool is constructed in accordance with the submitted plans it will conform to public health requirements
- 2) 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.
- 3) 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, Rev. Paul Ballien, of St. Ignatius Catholic Church, Grand Cayman, hereby confirm that I am aware that Mr. Graeme Christopher Thomson, owner of

Block/Parcel 7C/47 is seeking an encroachment of setback with the purpose of constructing a swimming pool on his property.

Acting on behalf of the Roman Catholic Archbishop of the Cayman Islands, owner of the adjacent property, Block/Parcel 7C/48, I hereby state that there is no objection to the encroachment.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking the Authority permission for the proposed swimming pool and pond.

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) Rear and Side Setback, Regulations 9(8)(i) & 9(8)(j):

The applicant is seeking permission from the Authority for a rear setback variance for the proposed swimming pool, located at 8’ from the rear boundary instead of the required 20’ and the deck is about 3’ instead of the CPA allowable 10’ minimum. The applicant has a letter of consent from the affected parcel.

Furthermore, the decking (which appears to be pavers just above ground level) does not meet the required 10’ side setback, proposed at 8’ to 9’ from each side, however, the Department has no major concern for this aspect of the application, mindful, the Authority has traditionally allow such development no closer than 10’ from the sides. If the Authority has any issue with the proposed as is, then letters of consent from the side parcels would have to be obtain.

The Department has no concerns for the proposed pond, located at the front of the property, which meets all required setbacks.

2. 18 CHRISSA RENEE KNIGHT Block 24B Parcel 122 (F95-0266) (P11-0356) (\$48300) (EJ)

Application for a garage.

FACTS

<i>Location</i>	Jump Link
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	13,995 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	Detached Single Garage
<i>Building Size</i>	483 sq. ft.
<i>Density</i>	3.11
<i>Allowable Density</i>	4
<i>Building Coverage</i>	26.72%
<i>Existing Parking</i>	1
<i>Proposed Parking</i>	1
<i>Required Parking</i>	1
<i>Number of Units</i>	1

BACKGROUND

September 20, 1995 (**CPA/30/95; Item 2.16**) - The Authority granted permission for a three-bedroom house.

July 9, 2009 - The Authority granted permission for a swimming pool.

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.

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

LETTERS OF CONSENT

Letter #1

“We are the owners of Block 24B 121 and have no objection to Renee Knight of Block 24B 122 constructing a shed 5-feet from the side setback.”

Letter #2

“We are the owners of Block 24B 125 and have no objection to Renee Knight of Block 24B 122 constructing a shed 10-feet from the back setback.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking the Authority’s permission for the proposed garage.

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) Site Coverage Variance 9(8)(h)

As proposed, the subject garage along with the existing house would bring the development over the allowable 25% site coverage, proposed at 26.72% or 1.72% over; the department has no concern for this aspect of the application, since the Authority has traditionally granted such variances.

b) Rear and side setback, regulations 9(8)(i) & 9(8)(j):

The applicant is seeking permission from the Authority for a rear setback variance for the proposed garage located at 1’ from the boundary instead of the required 20’ and 5’ from the side boundary versus the permissible 10’ minimum setback.

The Department has no major concerns with the proposed setbacks, since the applicant has obtained letters of consent from the affected parcels. However, as designed, the proposed driveway has no provision for a reverse area and therefore the applicant would have to reverse onto the road.

2. 19 RAULITO GONZALES Block 24E Parcel 55 (F11-0119) (P11-0378) (\$250,000) (EJ)

Application for a two by three-bedroom duplex.

FACTS

<i>Location</i>	Mangrove Avenue in Prospect Park
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	NA
<i>Parcel Size</i>	10,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Duplex
<i>Building Size</i>	2,184 sq. ft.
<i>Density</i>	4.35
<i>Allowable Density</i>	2
<i>Footprint</i>	2,184 sq. ft.
<i>Building Coverage</i>	22%
<i>Proposed Parking</i>	2
<i>Required Parking</i>	2
<i>Number of Units</i>	2

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

- 1) The applicant is required to obtain a Building Permit from the Chief Building Control Officer. Construction shall not commence prior to the issuance of a Building Permit.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

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

“We write in reference to the above named property and ask for consideration to be given for a duplex to be built on this land. The proposed lot is located in Prospect where the subdivided lot sizes are insufficient to meet the minimum required 12,500 sq. ft for duplexes. The proposed lot is approximately 3,000 sq. ft. smaller than the required lot size.

This is an old subdivision, which has developed immensely over the years, and it is evident that applications have been in granted the past for duplexes to be constructed in the area despite the lacking in the required lot size.

We are hereby kindly requesting that consideration be given for a variance in lot size to allow the construction of the proposed building.

We hope that Central Planning Authority will exercise discretion and grant in our favour. We are looking for your favourable approval on this project in due course and appreciate the consideration given.”

PLANNING DEPARTMENT ANALYSIS

General

Application for lot size variance for proposed two by three-bedroom duplex.

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

Lot size variance as per Regulations 5(4)(d)(e) of Development and Planning Regulations (2006 Revision, as amended):

The applicant is seeking the Authority permission for the proposed two by three-bedroom duplex, however, the subject parcel exist at approximately 0.23 acres or 10,000 sq. ft., a difference of 2,500 sq. ft. under the allowable 12,500 sq. ft. required for duplexes in Low Density Residential zone. The Department has no major concerns for the proposed, since the Authority has traditionally allowed duplexes on undersized lots in the prospect park area.

However, the proposed duplex is designed with an 8’ connection via the storage rooms, traditional CPA policy requires a 25% minimum common wall connection, with the average length of 36’ for the proposed “common wall”, this would require a 9’ connection a difference of 1’ or 22%. The proposed storage rooms/common connection has a solid roof that is same as the remaining proposed development.

2. 20 RICARDO MARTINEZ Block 31A Parcel 37 (F04-0313)) (P11-0230) (\$5,000) (DE)

Application for a three (3) lot subdivision.

FACTS

<i>Location</i>	Off Will T Drive Savannah
<i>Zoning</i>	LDR
<i>Advertisements</i>	NA
<i>Parcel Size</i>	1.07 acres

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

- 1) Lot C shall be granted 15’ wide vehicular rights-of-way over Lots A and B.
- 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.

AGENCY COMMENTS

Comments from the National Roads Authority are noted below.

National Roads Authority

“As per your memo dated March 29th, 2011 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

A thirty (30) ft wide Road Parcel along the boundaries of Lots A & B, should be provided to Lot C in order for the lot to have adequate access. The NRA does not endorse the use of vehicular ROW.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is proposing to subdivide the subject lands into three (3) lots.

Zoning

The property is zoned Low Density Residential and while the proposed subdivision generally complies with the provisions of this zone regarding lot size and lot width, the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Road Access

It is noted that Lot A and Lot B will be proposing a 15’ R.O.W. respectively in favour of Lot C. The NRA’s has noted “A *thirty (30) ft wide Road Parcel along the boundaries of Lots A & B, should be provided to Lot C in order for the lot to have adequate access. The NRA does not endorse the use of vehicular ROW.*” The Department does not concur with the NRA and feel the two proposed 15’ easements are more than adequate for proposed lot C.

2. 21 RANDY LEITH MERREN Block 28D Parcel 246 (F11-0086) (P11-0290) (\$2,820) (KA)

Application for a two (2) lot subdivision.

FACTS

<i>Location</i>	Off Shamrock Road, between Buddy's Way and Bougainvillea Way
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Advertisements</i>	NA
<i>Parcel Size</i>	2.09 acres
<i>Current Use</i>	Vacant

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

- 1) The access road shall be constructed to NRA standards, prior to the final survey plan being signed by the Director of Planning.
- 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.

AGENCY COMMENTS

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

Water Authority

“Please be advised that connection of the proposed development to the Water Authority’s piped water supply system will require an extension. It is the policy of the Water Authority – Cayman to extend water distribution lines in public roads

at no cost; extensions in non-public areas are done at the owner's expense. The timing of any pipeline extension is at the sole discretion of the Water Authority.

- *The developer is required to notify the Water Authority's Engineering Department at 949-2387, without delay, to be advised of the timing of the extension and 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

"Please note that the access road parcel (28D251) has not been built. The access road parcel should be built to NRA standards prior to the acceptance of the above application."

PLANNING DEPARTMENT ANALYSIS

General

The application is for a two (2) lot subdivision to a 2.09 acre piece of land. The parcel is located off Shamrock Road between Buddy's Way and Bouganvillea Way.

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

The proposed subdivision would comply with the regulations with regard to minimum lot size and lot width requirements. The access road has not yet been constructed; therefore, final approval should not be given until this is completed.

2. 22 FREDERICK WILKS Block 14CF Parcel 14 (FA87-0083) (P11-0307) (\$3,025) (DE)

Application to place a propane tank alongside the after-the-fact (approved) commercial take-out restaurant.

FACTS

<i>Location</i>	Off Rock Hole Road and Gresscott Lane, George Town
<i>Zoning</i>	N COM
<i>Notice Requirements</i>	NA
<i>Advertisements</i>	NA
<i>Parcel Size</i>	0.25 acres
<i>Current Use</i>	Restaurant
<i>Proposed Use</i>	Propane

BACKGROUND

March 30, 2011 (CPA/06/11; Item 2.9) - It was resolved to grant planning permission for after-the-fact change-of-use from residential to commercial take-out restaurant.

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.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission to place a propane tank along side the after-the-fact (approved) commercial take-out restaurant. This site is located off Rock Hole Road and Gresscott Lane-George Town.

The proposal does comply with Regulation 13 and Regulation 8 (8) (b) of the Development and Planning Regulations (2006 R).

2. 23 JOYCE WHITTAKER Block 75A Parcel 332 (F11-0093) (P11-0308) (\$4,000) (KA)

Application for a two (2) lot subdivision.

FACTS

<i>Location</i>	Austin Conolly Drive, East End
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Advertisements</i>	NA
<i>Parcel Size</i>	5.24 acres
<i>Current Use</i>	Vacant

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, including the necessary rights-of-way.

AGENCY COMMENTS

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

Water Authority

“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

“The NRA has no objections or concerns regarding the above proposed subdivision.”

LETTER FROM APPLICANT

“Mrs. Whittaker is the proprietor of the subject parcel and intends to expand her farm on the Southern portion and retain only that land. She is getting on in age and is divesting the remainder to her family. There is no plan to combine the adjacent subdivision with her land. The established right of ways will remain as permanent access to the remainder as shown. The provision of two 15ft right of ways were registered previously and will remain for any future development.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for a two (2) lot subdivision to a 5.24 acre piece of land. Lot A would be 4.065 acres and Lot B would be 1.174 acres. The parcel is located off Austin Conolly Drive, East End.

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

The proposed subdivision has been designed with the potential to link with the adjacent parcels. The proposed lot B is an odd shaped parcel and therefore the separation is not unreasonable. Access to Lot A would be via Lot B and there is a ROW from 75A 287 and 75A273.

The Department has no major concerns with the application.

2. 24 TAMARA JACKSON Block 37E Parcel 153 (F01-0072) (P11-0248) (\$3,000) (DE)

Application for a two (2) lot raw land strata subdivision.

FACTS

<i>Location</i>	Off Northward Road onto Hudson Drive
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Advertisements</i>	NA
<i>Parcel Size</i>	0.41 acres
<i>Current Use</i>	Duplex
<i>Proposed Use</i>	Residential

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 and National Roads Authority are noted below.

Water Authority

“The plans indicate the division of the parking space and not the actual parcel, therefore, the Water Authority does not have any comments or objections to this proposal.”

National Roads Authority

“As per your memo dated April 5th, 2011 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

The NRA has no objections or concerns regarding the proposed development.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is proposing two raw land strata lot subdivision. This site is located off Northward Road unto Hudson Drive.

Zoning

The property is zoned Low Density Residential and while the proposed use is a permitted use per Regulations 9 (8) and 23, the Development and Planning Regulation (2006 R).

Specific Issues

The applicant is proposing two raw lot land strata subdivision which includes 2 parking spaces. The two (2) parking spaces and the existing duplex will be used to create the four (4) self contained units per the Strata Titles Registration (Amendment) Law (2005 R). The intent of the raw land strata subdivision is to allow each of the duplex owners a small amount of land around each unit.

2. 25 CLAY & MICHELLE COLEMAN Block 25C Parcel 90 (F08-0344) (P11-0374) (DE)

Application for after-the-fact modification of planning permission to change the approved parking layout design for nine (9) apartment units.

FACTS

<i>Location</i>	Off Spotts Newlands Road, Raven Avenue
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Advertisements</i>	NA
<i>Parcel Size</i>	1.01 acres
<i>Current Use</i>	Apartments
<i>Proposed Use</i>	Apartments
<i>Existing Parking</i>	7
<i>Proposed Handicapped Spaces</i>	2
<i>Proposed Parking</i>	19
<i>Required Handicapped Spaces</i>	2
<i>Required Parking</i>	18

BACKGROUND

CPA/31/08; item 2.2 – approval granted for nine apartments

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, as amended) hereby orders that planning permission CPA/31/08; item 2.2 be modified to allow a change in the parking layout.

All other conditions of CPA/31/08; item 2.2 remain applicable.

PLANNING DEPARTMENT ANALYSIS

The applicants are seeking to modify planning permission to change the approved parking layout design for nine (9) apartment units. This site is located off Spotts Newlands Road, Raven Avenue.

Zoning

The property is zoned Low Density Residential and while the proposed use is a permitted use per Regulation 9 (8) (2006 R).

The Department would like to point out that the one-way traffic aisles currently exist and functional to the northern boundary of the subject parcel. From the northern boundary of this parcel the tenants/landowners of Building B will enter from and exit at the south-east corner of the parcel which will be a two-way traffic aisle for a proposed regular parking lot area for 12 parking spaces as shown on the site plan dated May 12, 2011 by the Planning Department.

The Department is concerned that the aisle width between stall lines for the handicap parking is only 12' for the one-way traffic aisles that currently exists.

3.0 ENFORCEMENTS

3.1 MARVIN RYDBERG Block 12E Parcel 40 (CE09-0008) (CE)

Illegal wooden addition.

FACTS

Location

On Lizard Run in Seven Mile Beach

Zoning

HT

BACKGROUND

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

Decision: It was resolved to authorise the issuance of an Enforcement Notice in accordance with Section 18 of the Development and Planning Law (2008 Revision, as amended). Enforcement Notice to take effect at the end of the period of 28 days from the date of service and compliance with the Enforcement Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 18(5) and (6) of the law.

PLANNING DEPARTMENT ANALYSIS

Subsequent to an inspection conducted on the site in February 2009 and December 7, 2010, it was observed that a T-11 addition has been constructed on the site without planning permission.

3.2 VINROY WILSON Block 1D Parcel 379 (CE09-0154) (CE)

Illegal conversion of a single family dwelling and storage area to apartments.

FACTS

Location

Nettie Rivers Lane, West Bay

Zoning

HDR

BACKGROUND

1982 – A house was approved.

November 11, 2009 – An Enforcement Notice was issued for the Illegal conversion of a single family dwelling and storage area to apartments.

Decision: It was resolved to authorise the issuance of an Enforcement Notice in accordance with Section 18 of the Development and Planning Law (2008 Revision, as amended). Enforcement Notice to take effect at the end of the period of 28 days from the date of service and compliance with the Enforcement Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 18(5) and (6) of the law.

PLANNING DEPARTMENT ANALYSIS

Subsequent to an inspection conducted on the site in October 2009, it was observed that a house and storage unit have been converted to apartments. An Enforcement Notice was served in November 2009, however the case was not forwarded to the Legal Department once the Enforcement Notice expired. The Department wishes to re-issue the Enforcement Notice and forward the case to the Legal Department if the property owner does not rectify the infraction.

3.3 CROWN Block 14CF Parcel 140 (CE08-0153) (CE)

The illegal construction of wooden structures.

FACTS

Location: School Road, Grand Cayman

Zoning: NC

BACKGROUND

There is no planning history for this site.

Decision: It was resolved to authorise the issuance of an Enforcement Notice in accordance with Section 18 of the Development and Planning Law (2008 Revision, as amended). Enforcement Notice to take effect at the end of the period of 28 days from the date of service and compliance with the Enforcement Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 18(5) and (6) of the law.

PLANNING DEPARTMENT ANALYSIS

Subsequent to a complaint, a site visit was conducted on June 3, 2008 and again in February 2011. There are several wooden structures on the site that have not received planning permission. The structures appear on 2008 aerial photos, but not on 2004. In 2008, the Department initiated discussions with the Ministry of D.A.P.A.H. to rectify the situation, without any resolution. On April 28, 2011, a warning letter was forwarded to Lands & Survey regarding the infraction. No response has been received.

3.4 CROWN Block 17A Parcel 10 (CE08-0344) (CE)

The illegal storage of containers and illegal dwelling with a septic tank.

FACTS

Location: South east corner of Lime Tree Bay Avenue & Esterley Tibbetts Highway, Seven Mile Beach

Zoning: HT

BACKGROUND

There is no applicable planning permission for this portion of the site.

Decision: It was resolved to authorise the issuance of an Enforcement Notice in accordance with Section 18 of the Development and Planning Law (2008 Revision, as amended). Enforcement Notice to take effect at the end of the period of 28 days from the date of service and compliance with the Enforcement Notice

to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 18(5) and (6) of the law.

PLANNING DEPARTMENT ANALYSIS

Enforcement action started on this infraction in August 2008. The Department initiated discussions with the Ministry of D.A.P.A.H. to rectify the situation, without any resolution. On April 28, 2011, a warning letter was forwarded to Lands & Survey regarding the infraction. No response has been received.

3.5 CARIBBEAN PLAZA LTD. Block 12C Parcel 427 (CE11-0062) (CE)

Illegal storage of heavy equipment and containers.

FACTS

Location West Bay Road, Seven Mile Beach

Zoning NC

BACKGROUND

July 30, 2008 (CPA/29/08; Item 2.10) - The Authority granted planning permission for a commercial building and restaurant. No building permits were obtained.

Decision: It was resolved to authorise the issuance of an Enforcement Notice in accordance with Section 18 of the Development and Planning Law (2008 Revision, as amended). Enforcement Notice to take effect at the end of the period of 28 days from the date of service and compliance with the Enforcement Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 18(5) and (6) of the law.

PLANNING DEPARTMENT ANALYSIS

Subsequent to an inspection conducted on the site on April 28, 2011, it was observed that three storage containers are being stored on site along with heavy equipment. Planning permission has expired for a 2008 approved commercial building with restaurant.

3. 6 PAUL LINDSAY Block 24D Parcel 106 (CE11-0064) (CM)

Illegal wooden structure.

FACTS

Location Tuscany Drive, Spotts
Zoning **LDR**

BACKGROUND

July 29, 2009 – A house was administratively approved.

Decision: It was resolved to authorise the issuance of an Enforcement Notice in accordance with Section 18 of the Development and Planning Law (2008 Revision, as amended). Enforcement Notice to take effect at the end of the period of 28 days from the date of service and compliance with the Enforcement Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 18(5) and (6) of the law.

PLANNING DEPARTMENT ANALYSIS

Subsequent to an inspection conducted on the site on May 3, 2011, it was observed that a wooden structure has been constructed in the rear yard of the site without planning permission.

3. 7 YVONNE BODDEN Block 14E Parcel 481 (CE11-0055) (CE)

Breach of planning conditions.

FACTS

Location South east corner of Anthony Drive and Holmes Turn, George Town South
Zoning **HDR**

BACKGROUND

1995 – A house was approved.

October 13, 2010 (**CPA/23/10; Item 2.12**) The Authority granted planning permission for an after-the-fact duplex addition subject to the following conditions:

- 1) The applicant is required to obtain a Building Permit from the Chief Building Control Officer within 90 days from the date of this letter.
- 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.

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

Decision: It was resolved to authorise the issuance of an Enforcement Notice in accordance with Section 18 of the Development and Planning Law (2008 Revision, as amended). Enforcement Notice to take effect at the end of the period of 28 days from the date of service and compliance with the Enforcement Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 18(5) and (6) of the law.

PLANNING DEPARTMENT ANALYSIS

The applicant submitted BCU drawings on December 1, 2010, however the applicant has not addressed BCU's review comments which required revisions. Per the CPA decision letter, a building permit was to be obtained by January 16, 2011.

3.8 STAFFORD JACKSON Block 20E Parcel 250 (CE11-0054) (CE)

Illegal clearing of land and storage of containers.

FACTS

<i>Location</i>	Halifax Road, George Town East
<i>Zoning</i>	LDR

BACKGROUND

1991- A house was approved, but never constructed.

Decision: It was resolved to authorise the issuance of an Enforcement Notice in accordance with Section 18 of the Development and Planning Law (2008 Revision, as amended). Enforcement Notice to take effect at the end of the period of 28 days from the date of service and compliance with the Enforcement Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 18(5) and (6) of the law.

PLANNING DEPARTMENT ANALYSIS

Subsequent to an inspection conducted on the site on April 12, 2011, it was observed that the site has been cleared. A container and a trailer are being stored on site. No planning permission has been granted for either activity.

4.0 DEVELOPMENT PLAN MATTERS

5.0 PLANNING APPEAL MATTERS

6.0 MATTERS FROM THE DIRECTOR OF PLANNING

6.1 TONY JAMES Block 14CF Parcel 65

The Director explained that there are illegal dwelling units on the subject property and one of them was damaged by a fire over the past weekend. The units do not have planning permission, and have no BCU approvals.

It was resolved to authorise the issuance of an Enforcement Notice in accordance with Section 18 of the Development and Planning Law (2008 Revision, as amended). Enforcement Notice to take effect at the end of the period of 28 days from the date of service and compliance with the Enforcement Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 18(5) and (6) of the law.

It was further resolved to issue an offending works notice pursuant to Section 13 of the Building Code Regulations (2003 Revision).

6.2 CHRISTIAN HERITAGE PARK

The Authority determined that when the section 15 (4) notices have expired, that the application can be approved administratively.

6.3 CAYMAN ISLANDS ROADS SAFETY ADVISORY COUNCIL

The Authority reviewed the correspondence as submitted and determined that: a) the signs would require separate applications for planning permission, and b) the Authority is not in favour of the proposed signs as they would pose a distraction to passing motorists and would not achieve the intention of CIRSAC as described in the correspondence.

6.4 7TH DAY ADVENTIST CHURCH Block 4D Parcel 489

The Authority determined that if the applicant obtains the consent from adjacent land owners the application can be approved administratively for a period of time to expire on June 30, 2011.

7.0 CPA MEMBERS INFORMATION/DISCUSSIONS


7.1 ELDON RANKIN PRE-SCHOOL

The Authority determined that when the applicant obtains consent from the adjacent land owners, the application can be approved administratively.


7.2 ILLEGAL DEVELOPMENT

The Authority directed staff to investigate illegal excavation along Rackley canal in North Sound Estates.

The meeting adjourned at 2:15p.m. The next regular meeting of the Central Planning Authority is scheduled for *Wednesday 8th June 2011 at 10:00 a.m.* in the Conference Room, 1st floor, Government Administration Building.



A. L. Thompson
Chairman



Haroon Pandohie
Executive Secretary

cc: All members of the Central Planning Authority