Central Planning Authority

Minutes for a meeting of the Central Planning Authority held on December 7, 2005 at 10:30 a.m. in the Conference Room, 1st Floor, Regatta Office Park – Leeward One (formerly Safehaven).

32nd Meeting of the Year CPA/32/05

Mr. Dalkeith Bothwell (Chairman) (except 2.16)
Mr. Attlee Bodden (Acting Chair 2.16) (except 2.14, 2.15, 2.23 & 2.35) (left at 7:30pm)
Mr. Darrell Ebanks (except 2.11)
Mr. Ernley Hurlstone (absent)
Mr. Ray Hydes (apologies)
Mr. Trent McCoy (left at 6:05pm)
Mr. Rex Miller
Mr. Arden Parsons
Mr. Chris Phillips (except 2.35)
Mr. Eldon Rankin
Mr. Owen Rankine (except 2.11)
Mr. Robert Watler (except 2.5)
Mr. Fred Whittaker (except 2.8, 2.34)
Mr. Kenneth Ebanks (Executive Secretary)
Mr. Ron Sanderson (Assistant Director of Planning (CP))

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2. Applications
3. Enforcements
4. Development Plan Matters
5. Matters from the Director of Planning
6. CPA Members Information/Discussions
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### 1.0 CONFIRMATION OF MINUTES

#### 1.1 Confirmation of Minutes of CPA/26/05 held on October 26, 2005.

Moved: Arden Parsons  
Seconded: Chris Phillips  
Confirmed

#### 1.2 Confirmation of Minutes of CPA/30/05 held on November 16, 2005.

Moved: Rex Miller  
Seconded: Owen Rankine  
Confirmed

### 2.0 APPLICATIONS

#### 2.1 SAMUEL & MARIE MARTIN Block 25B Parcel 451 (F99-0323) (P05-0921) ($42,000) (DE)
Application for after-the-fact house addition.

FACTS
Location Orange Drive, Prospect, George Town
Zoning LDR
Current Use House
Proposed Use Addition
Lot Size 0.1989 acres (8,664.084 sq. ft.)
Site Coverage 18% Proposed 25% Allowable
Building Size 604 sq. ft.

BACKGROUND
Administrative Approval was granted for a house in 1999.

July 27, 2005 (CPA/17/05; item 3.5) the Authority issued an Enforcement and Stop Notice.

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.

2) Unless specifically authorized otherwise in writing by the Planning Department, the development shall be carried out strictly in accordance with the approved plans, which you will receive when the above condition is complied with.

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

LETTER OF VARIANCE

“On behalf of Samuel and Ann Marie Martin, I am submitting a revised set of drawings to replace the previous submitted by Lloyd Hue.

These are a full set of drawings showing the addition (matter of fact) as built.

Since your stop notice work has stop and Mr. Martin was trying to have someone produce a set of drawings.

Do note that all planning application fee were paid. For further communication or any request on this matter you can kindly contact Kam Munruddin at (345) 926-7002.

I am also humbly requesting for the Central Planning Board to approve the two feet plus which projected beyond the rear setback, for my client was ignorant of
the requirements (see site plan for detail on variance).

Thank you for your anticipated positive and early reply in this matter.

PLANNING DEPARTMENT ANALYSIS

Subsequent to a complaint received a site investigation was carried out on May 27, 2005 and it was noticed that an illegal house addition was carried out without planning approval. Hence a warning letter was sent on June 14, 2005 to the occupants via registered mail.

The applicant is seeking planning permission for an after-the-fact house addition located 71 Orange Drive, Prospect George Town.

The Department would like to point out that the after-the-fact house addition does not meet the LDR Zoning according to Regulation 9 (8) (1) which states "the minimum front and rear setback are 20 feet." However, the after-the-fact house addition has met all of the additional requirements for the LDR zone in accordance with Regulation 9 (8) of the Development and Planning such as density and parking requirements.

Also, the Department would like to point out to the Authority that the applicant has added a number of additions to the house which was approved in 1999 for 960 square feet. According to the plans and application submitted on November 8, 2005 for planning permission for after-the-house addition, the applicant has added 613 square feet without the planning permission which is more than the 10% allowable for a single storey house.

The Department is reminding the CPA of sub regulation (1), Regulation 8 (6), (7) and (8) and Regulation 9, the Authority may grant permission to carry out development that does not comply with all or any of the provisions if the Authority is satisfied:

a) That an exceptional circumstance exists, and
b) That there is a sufficient reason why the permission should be granted.

2. 2 BRIAN BARNES Block 13D Parcel 75 (FA82-0226) (P05-0989) ($180,000) (KG)

Application for nine (9) warehouse units.

FACTS

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<tr>
<td><strong>Location</strong></td>
<td>Eastern Avenue, George Town</td>
</tr>
<tr>
<td><strong>Notice Requirements</strong></td>
<td>No Objectors</td>
</tr>
<tr>
<td><strong>Advertisements</strong></td>
<td>NA</td>
</tr>
<tr>
<td><strong>Parcel Size</strong></td>
<td>28,314.0000 acres</td>
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<tr>
<td><strong>Current Use</strong></td>
<td>Vacant</td>
</tr>
<tr>
<td><strong>Proposed Use</strong></td>
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Building Size 21,287 sq. ft.
Building Coverage 75%
Total Site Coverage 75%
Proposed Handicapped Spaces 1
Proposed Parking 22
Required Handicapped Spaces 1
Required Parking 21

BACKGROUND

November 1, 2005, the subject application was adjourned in order for the applicant to amend the application reflecting the following:

1. The site plan should show proper truncation along the entrance abutting Eastern Avenue
2. Revised the floor plans to show bathrooms facility.

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

In addition to Building Permit requirements, conditions (1-5) listed below shall be met before a Building Permit can be issued.

1) The applicant shall submit a revised site plan showing the following:
   a) The entrance driveway widened and the internal curve softened. The applicant is directed to liaise with the Department in this regard.
   b) The entrance onto Ebony Lane removed.

2) The applicant shall provide a copy of the submission made to the Registrar of lands to combine the parcels.

3) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating the location of material storage and parking during the construction phase.

4) The applicant shall submit, in accordance with the requirements of the National Roads Authority, a Stormwater Management plan designed to contain storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties that are lower, and/or surrounding roads, are not subject to stormwater runoff from the subject site. The plan shall include provisions for controlling roof runoff.

5) The applicant shall submit a landscape plan which shall be subject to review and approval by the Director of Planning.

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

7) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans which you will receive when all of the above conditions are complied with.

Additionally, once construction has started, conditions (8-18) shall be complied with before a final Certificate of Occupancy can be issued.

8) The subject lots shall be combined and registered with the Registrar of Lands prior to the issuance of a Building Permit.

9) The applicant shall provide a septic tank with a capacity of at least 2,500 US gallons, to serve both buildings, alternatively, (1) 1,500 gallon septic tank per building can be provided. The septic tank shall be constructed in strict accordance with the Water Authority's standards.

10) All treated effluent shall be discharged into a deep well. The deep well shall be constructed in strict accordance with the Water Authority's standards.

11) The discharge pipe from the septic tank shall enter the disposal well at a height of at least two feet above the water table level in the well.

12) On-site wastewater treatment systems shall be located at least 100 feet from the mean high waterline of any water body (sea, lakes, canals, etc.) The location shall comply with the minimum setback requirements of the Planning Department.

13) A six-foot wide concrete sidewalk along the roadside property lines, and a 4 feet minimum in width landscape strip along the inside edge of the sidewalk. Construction of the sidewalk, drain and driveway shall be to the satisfaction of the Director of Planning in consultation with the National Roads Authority.

14) The parking lot and driveway aisles surfaced with asphaltic concrete or equivalent and tire stops provided for each parking space which shall be striped.

15) The approved stormwater management system shall be installed on site.

16) Construct a gentle 'hump' at the entrance (along the entire width of the driveway) in order to prevent stormwater runoff from and onto South Church Street.

17) Curbing is required for the driveway and parking areas to control stormwater runoff.

18) At a minimum, the applicant shall provide 1 drain well per every 4,500 square feet of impervious surface area, which is the combined square footage for sidewalks, parking areas and roof area. Stormwater drains shall be located in the parking lot and driveway with parking areas sloped towards the drains. The minimum recommended specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in width.
The applicant shall obtain a Final Certificate (of Fitness for Occupancy) prior to occupying the building.

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

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

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

To prevent potential delays and save money, the applicant may wish to coordinate with the following agencies prior to commencing any construction: Caribbean Utilities Company, Cable & Wireless and the Cayman Water Company and/or the Water Authority - Cayman.

AGENCY COMMENTS

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

National Roads Authority

“As per your memo dated September 5 2005, the NRA has reviewed the above-mentioned planning proposal. Please accept our apology for the delay in submitting these comments and recommendations.

Understanding of the Development Proposal

The NRA notes that the subject parcels constitute the northern component of a sixteen (16) lot subdivision (reference number F05-0150/P05-0765 KG) recently approved by the CPA on July 13th 2005 (see CPA/16/05 item 2.45). It is unclear whether the subject parcel reflects the approved subdivision by the CPA.

Our understanding of the current proposal is that the development will consists of nine (9) storage units (each 2,000 square feet in size) for a total of 18,000 square feet. Provision is also made for 22 parking stalls to support the development. Speaking with the applicant's agent, it is understood that those units are to be "parcelled off" to individual owners in a strata-like manner.

Road Capacity

The use of ITE Code 151 Mini-Warehouse is employed for traffic generation purposes, with the trip generation rates for the "average vehicle trip end per 1,000 square feet" supplied by ITE Trip Generation 6th Edition for estimating the weekday daily, AM and PM peak hour trips. As the following table shows, the development of a storage complex (mini-warehouse) of only nine units will have minimum impact on the surrounding roadways.

However, it must be recognize that many of those types of developments on the island have, over the years, been converted into commercial/retail shops. The
NRA feels that such scenario needs to be considered in reviewing this development application.

Assuming a commercial/retail development scenario for the building, the traffic generation rates for "average vehicle trip end per 1,000 square feet" provided by ITE Code 820 (Shopping Centre) supplied by ITE was used for estimating the daily, AM and PM peak hour trips.

Clearly, the traffic demand generated by the conversion of the "storage units" to commercial/retail occupancy of the subject lands would increase by an order of magnitude of over 10 times. Should this scenario occur, it is obvious that the development would be deficient in parking supply.

**Traffic and Access Management Issues**

The NRA is satisfied with the applicant maintaining Ebony Lane to its existing width of twelve (12) feet. However, it is noted on the site plan that the applicant intends to have a driveway intersecting with Ebony Lane that would serve as a "temporary" exit to accommodate the "odd time" for containers to leaving the site. The NRA is not supportive of this scheme because of the narrowness of Ebony Lane to accommodate two-way traffic.

The site plan illustrates that a raised access deck (8 feet wide) running along the entire length of the proposed building is provided in order to allow unloading of containers and vehicles. When the applicant's agent was asked how that would function, he indicated that the containers, at odd times, could be placed parallel to the raised deck. It is unclear to the NRA would the actual unloading of containers and vehicles would function with a width of only 20-22 feet available for the driveway aisle and the parking area. The footprint of the building needs to be reduced in order to allow for a functional on-site circulation flow.

The six (6) feet sidewalk shall be constructed in accordance with NRA standards.

**Stormwater Management Issues**

Per the approval granted on by the CPA on July 13th 2005 (see CPA/16/05 item 2.45) for the original which the subject parcel is part of, two specific conditions were required by the CPA; namely 1) the requirement of a functional Stormwater Water Management Plan, and 2) for the site to be graded in such a manner that the stormwater runoff of the development is no worse than pre-development conditions.

The applicant has provided a preliminary intent on how stormwater and flood control would be handled by this development. The applicant intends to fill the subject parcel to approximately the same height of Eastern Avenue - the fill height would be negligible nearest to Eastern Avenue but would be about two (2) feet above the existing ground near to parcel 13D72. The applicant's agent indicated that they would be able to self-contain the surface run-off generated by the impervious area of the development. While that is correct, the intended design also totally ignores the fact that the current lands are a storage area for surface run-off of the area - thus blocking the existing natural drainage of the land. The NRA fully supports raising the finished floor level of the building but not the
periphery of the western portion of the subject parcel. Therefore, the NRA asks the CPA to require the following from the applicant:

- The drainage plan of the development should integrate and comply with the Stormwater Management system of the approved subdivision prior to the issuance of a building permit.
- The drainage shall include site grading levels (existing and finished levels) with details of the overall runoff scheme. This information should be provided prior to the issuance of a building permit.
- The minimum specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in diameter, and not six (6) inches as indicated on the site plan.
- Construct a gentle 'hump' at along the entire width of the driveways in order to prevent stormwater runoff from and onto the new road of the subdivision.
- Roof water runoff should not drain freely over the parking area or unto surrounding property. Note that unconnected downspouts are not acceptable. Piped connections to catch basins are required. If catch basins are to be networked, please have applicant to provide locations of such pipes 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.

**Chief Environmental Health Officer**

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

1. There is insufficient distance between the enclosure and the curb to allow the vehicle to access the container. The container should be pushed back at least 20 feet from its current location.

2. A revised site plan shall be submitted showing the enclosure relocated as required above.

3. The facility shall be designed to comply with the department's requirements.”
PLANNING DEPARTMENT ANALYSIS

The applicant has amended the application in accordance with the Central Planning Authority requirements; therefore the applicant is seeking the approval of the Authority.

The Department would like to remind the Authority that item 3 of the adjournment conditions is not required as the proposed truncation has not affected the adjacent property.

2. 3 ANTONIO SWABY Block 9A Parcel 468 (F95-0139) (P05-1051) ($280,000) (DE)

Application for duplex.

FACTS

Location
Off Powery Road, West Bay Road onto Vulgunner Drive

Zoning
LDR

Parcel Size
.2900 acres

Current Use
House

Proposed Use
Duplex

Building Size
2,335 sq. ft.

Footprint
2,335 sq. ft.

Building Coverage
18%

Proposed Parking
4

Required Parking
4

BACKGROUND

May 31, 2005 (CPA/16/95 Item 2.5) The Authority granted planning permission for an ATF one (1) bedroom house.

Decision: It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding lot size and density.

LETTER OF VARIANCE

“I am writing in reference to the above subject caption.

I came to the Planning Department on November 21, @ 10 am to find out the current status of our proposal. It was brought to our attention by your department there is a small issue that our architect Mr. David Johnson did not inform us about. The issue is that we have an existing house at the present time that we will
convert to a single garage at the rear of the property once the proposed duplex is completely built. The planner at your department has advised us the existing text 1-11 house with the proposed duplex is considered a three unit which will be apartment complex.

This is not our intention; we would like to build a duplex not an apartment complex. Once approve is given to the duplex and a final Certificate of Occupancy is issued to use we will convert the small text 1-11 house into a single storey garage.

Therefore, we are seeking your approval to the proposed duplex that was submitted to your department on September 13, 2005.

We look forward to an urgent response.”

PLANNING DEPARTMENT ANALYSIS

The applicant is requesting planning permission to construct a duplex (2x2) located Off Powery Road-West Bay Road unto Vulgunner Drive.

The Department would like to point out that the proposed duplex does not meet the lot size requirements for the LDR zone. In accordance with Regulation 9 (8) (e) of the Development and Planning Regulations (2003 Revisions), the minimum lot size for duplexes is 13,500 square feet. The proposal has met all of the additional requirements such as setbacks, parking and site coverage requirements for the LDR zone.

The Authority is reminded of Regulations 7 (8) notwithstanding sub-regulation (1), Regulation 8 (6), (7) and (8) and Regulation 9, the Authority may grant permission to carry out development that does not comply with all or any of the provision if the Authority is satisfied:

(i) That an exceptional circumstance exists, and

(ii) That there is a sufficient reason why the permission should be granted.

2. 4 DOLPHIN DISCOVERY (CAYMAN LTD.) Block 1D Parcel 657 (F05-0405) (P05-1060) (P05-1072) (P05-1073) (P05-1075) ($2,000,000) (BES)

Application for commercial building, fence, T.V. dish, 20’ high seawall, signs, refurbishing of the existing marine pool and cabana.

Appearance at 5:10 pm.

FACTS

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<td>Notice Requirements</td>
<td>No Objectors</td>
</tr>
<tr>
<td>Advertisements</td>
<td>Advertising Complete</td>
</tr>
<tr>
<td>Parcel Size</td>
<td>2.2400 acres</td>
</tr>
</tbody>
</table>
**Current Use**: Turtle Farm

**Building Size**: 12,457 sq. ft.

**Building Coverage**: 11%

**Proposed Parking**: 50

**Required Parking**: 42

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

In addition to Building Permit requirements, conditions (1-9) listed below shall be met before a Building Permit can be issued.

1) The applicant shall submit a revised drawings showing the following:
   a) The sewage treatment plant and disposal well relocated to the side of the main building in the landscape area.
   b) A 6’ wide sidewalk.
   c) The proposed seawall with a maximum height of 16 feet above sea level and designed with a wave deflection curve and safety ladder and surfaced with an aesthetically pleasing material. The applicant is directed to liaise with the Department in this regard.

2) The applicant shall submit a water anti-degradation plan in accordance with the requirements of the Water Authority and Department of Environment.

3) A statement from the Department of Agriculture that their requirements have been satisfied.

4) The applicant shall provide details on how the proposed islands will be constructed, the type of materials to be used, and where these materials will be obtained.

5) The applicant shall provide details regarding where the sand for the proposed beaches will be obtained.

6) The applicant shall submit the required details to the Department of Environmental Health regarding the concession area, the fish preparation area, the photo lab and the pool.

7) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating the location of material storage and parking during the construction phase.

8) The applicant shall submit, in accordance with the requirements of the National Roads Authority, a Stormwater Management plan designed to contain storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties that are lower, and/or surrounding roads, are not subject to stormwater runoff from the subject site. The plan shall include provisions for controlling roof runoff.
9) The applicant shall submit a landscape plan which shall be subject to review and approval by the Director of Planning.

10) 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.

11) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans which you will receive when all of the above conditions are complied with.

Additionally, once construction has started, conditions (12-27) shall be complied with before a final Certificate of Occupancy can be issued.

12) The applicant shall provide an on-site aerobic wastewater treatment system with a treatment capacity of at least 7,550 US gallons per day (gpd).

13) The applicant shall also provide a grease interceptor with a liquid volume of at least 600 US gallons to treat the wastewater from kitchen plumbing fixtures utilized in the preparation or clean up of food. The outlet of the grease interceptor shall be plumbed to the sewage line leading to the aerobic wastewater treatment system required above. The grease interceptor shall be constructed in accordance with the Water Authority standards.

14) The treatment system shall be designed to produce an effluent quality of 30 mg/l BOD5 and 30 mg/l Suspended Solids.

15) Prior to installation, the applicant shall provide detailed information on the proposed treatment system to the Water Authority for approval.

16) Adequate area shall be reserved for the treatment system. The location shall comply with the minimum setback requirements of the Planning Department. Special consideration shall be given to the elevation of the treatment system, relative to the elevation of the local water table.

17) All treated effluent shall be discharged into a disposal well. The disposal well shall be constructed in strict accordance with the Water Authority's standards. The discharge pipe from the treatment system shall enter the disposal well at a height of at least two feet above the water table level in the well. Discharge into the disposal well shall be by gravity-flow. 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; the location shall comply with the minimum setback requirements of the Planning Department.

18) If a lift (pumping) station is required as part of the wastewater collection system due to elevation and/or length of run, it shall be installed upstream of the treatment system, to meet the above requirement that the discharge from the treatment system to the disposal well is gravity-flow. Full details of any proposed pumping station (i.e., size of wet well and pump specifications) shall be submitted to the Water Authority for approval.

19) The treatment system shall have easy access for operation, maintenance and
The discharge of trade wastewater requires a permit from the Water Authority-Cayman (WAC).

A six-foot wide concrete sidewalk along the road side property lines, and a 4 feet minimum in width landscape strip along the inside edge of the sidewalk. Construction of the sidewalk, drain and driveway shall be to the satisfaction of the Director of Planning in consultation with the National Roads Authority.

The parking lot and driveway aisles surfaced with asphaltic concrete or equivalent and tire stops provided for each parking space which shall be striped.

The approved stormwater management system shall be installed on site.

Construct a gentle 'hump' at the entrance (along the entire width of the driveway) in order to prevent stormwater runoff from and onto South Church Street.

Curbing is required for the driveway and parking areas to control stormwater runoff.

At a minimum, the applicant shall provide 1 drain well per every 4,500 square feet of impervious surface area, which is the combined square footage for sidewalks, parking areas and roof area. Stormwater drains shall be located in the parking lot and driveway with parking areas sloped towards the drains. The minimum recommended specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in width.

The channels leading to the sea shall be blocked during any works within the pool so as to reduce siltation.

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

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

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

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

To prevent potential delays and save money, the applicant may wish to coordinate with the following agencies prior to commencing any construction: Caribbean Utilities Company, Cable & Wireless and the Cayman Water Company and/or the Water Authority - Cayman.

AGENCY COMMENTS
Comments from the Department of Environment, Chief Environmental Health Officer, National Roads Authority and Water Authority are noted below.

**Department of Environment**

“Further to review of the above-noted application, the Department's Technical Review Committee provides the following comments for consideration.

1. **Review of Anti-degradation Study**

Dolphin Discovery Cayman and the Cayman Turtle Farm have agreed to undertake an anti-degradation study (ADS) in an effort to improve the quality of water being discharged offshore and improve the condition of the reef system. This study would establish the quality of both the discharge and receiving water bodies and establish treatment systems for the wastewater. The DOE has not to date been given the findings of the ADS or a timeframe in which they are to be presented. The Department therefore request this information be received prior to commenting on the submitted layout. In this way all technologies and solutions can be considered to improve the quality of water being discharged into the sea without the constraints of layout, land use and space.

2. **Additional information**

In addition to the submission of ADS findings the Department requests information on the following site components:

- **Construction of Islands**
  
  Details are requested on how the proposed islands will be constructed, the type of materials to be used, and where these materials will be obtained. The Department requests that the channels leading to the sea be blocked during any works within the pool as to reduce siltation.

- **Sand Beaches**
  
  The Department requests information on where the sand for the proposed beaches will be obtained from.

- **Refuge and Quarantine Areas**
  
  There is no indication on the site map to where refuge and quarantine areas for the dolphins are to be located. The Department request information regarding the creation and location of these areas.

- **Storm Contingency**
  
  The Department request information on the facilities contingency plan for securing the dolphins during severe storm events.

3. **The Department requests that this application be circulated to the Department of Agriculture for comments.”**

**Chief Environmental Health Officer**

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

1.0 **Solid Waste**
1. The service vehicle has to access the solid waste facility by driving over the sewage treatment plant. Due to the weight of the truck the treatment plant can suffer structural failure and create a hazardous situation unless it is designed specifically to accommodate the anticipated loads. The applicant shall submit written documentation confirming that the garbage truck can be accommodated on the sewage treatment plant or the plant should be relocated.

2. The onsite solid waste facility shall comply with the department's location and design criteria.

2.0 Food Hygiene

1. Details of the concession area are required. These shall include:
   • The layout of the facility with all equipment adequately labelled.
   • Details of a water heater designed to meet the peak hot water demand.

3.0 Fish Preparation Area

1. Design details for the fish preparation area shall be submitted and this shall include all equipment required for the preparation of fish food

4.0 Photolab

1. Information on the treatment and recovery process for heavy metals and other hazardous wastes associated with the processing of photograph shall be submitted for review and approval.

5.0 Dolphin Pool

1. The following data is required for the pool:
   • Bathing load
   • Pool volume
   • Turnover rate
   • Number of dolphins
   • Existing water quality (physical and biological parameters)

2. The pool shall meet bathing water quality standards as indicated in the European Union's Bathing Water Quality Directive 76/160/EEC.

3. A protocol for sampling in relation to the above shall be submitted for review and approval."

National Roads Authority

"As per your memo dated September 22nd, 2005 NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations.

General Issues
The proposed site plan does not properly reflect what is on site, specifically the design of the crosswalk on Northwest Point Road, as the design was changed and constructed as a staggered crosswalk, which then changes the design of the concrete island. Please have applicant provide a revised site plan.

**Access and Traffic Management Issues**

The concrete taper at the exit should be extended so as to provide better guidance to the thru traffic as well as exiting motorists going southbound on Northwest Point Road.

An additional crosswalk needs be provided by the applicant approximately 100 ft north of the proposed crosswalk to reduce the pedestrian/vehicle conflict at the proposed exit.

The surrounding tourism related developments will encourage/generate high pedestrian flows between the various attractions. Therefore, The NRA strongly advises the CPA to require the applicant to widen the proposed five (5) ft sidewalk to the NRA standard of six (6) ft, within the property boundary.

**Stormwater Management Issues**

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff within the subject parcel and retain existing drainage characteristics of the site as much as is feasible through innovative design and use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is no worst than pre-development runoff. To that effect, the following requirements should be observed:

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.

- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.

- Roof water runoff should not drain freely over the parking area or unto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins in or near the parking lot. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads
(Amendment) Law, 2004 (Law 11 of 2004). For the purpose of this Law, Section 16(g) defines encroachment on a road as

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

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

Water Authority

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

Requirements for Domestic Wastewater:

- The developer shall provide an on-site aerobic wastewater treatment system with a treatment capacity of at least 7,550 US gallons per day (gpd).

- The developer shall also provide a grease interceptor with a liquid volume of at least 600 US gallons to treat the wastewater from kitchen plumbing fixtures utilized in the preparation or clean up of food. The outlet of the grease interceptor shall be plumbed to the sewage line leading to the aerobic wastewater treatment system required above. The grease interceptor shall be constructed in accordance with the Water Authority standards.

- The treatment system shall be designed to produce an effluent quality of 30 mg/l BOD5 and 30 mg/l Suspended Solids.

- Prior to installation, the developer shall provide detailed information on the proposed treatment system to the Water Authority for approval.

- Adequate area shall be reserved for the treatment system. The location shall comply with the minimum setback requirements of the Planning Department. Special consideration shall be given to the elevation of the treatment system, relative to the elevation of the local water table.

- All treated effluent shall be discharged into a disposal well. 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. Discharge into the disposal well shall be by gravity-flow. 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; the location shall comply with the minimum setback requirements of the Planning Department.

- If a lift (pumping) station is required as part of the wastewater collection system due to elevation and/or length of run, it shall be installed upstream of the treatment system, to meet the above requirement that the discharge from the treatment system to the disposal well is gravity-flow. Full details of any
The proposed pumping station (i.e., size of wet well and pump specifications) shall be submitted to the Water Authority for approval.

- The treatment system shall have easy access for operation, maintenance and inspection.

Requirements for Trade Wastewater (Dolphin Pool):
The discharge of trade wastewater requires a permit from the Water Authority-Cayman (WAC). Dolphin Discovery Cayman's (DDC) trade wastewater discharge is to be combined with that of the Cayman Islands Turtle Farm (CITF). CITF, in conjunction with DDC have commissioned an anti-degradation study, as required by WAC, in consultation with the Department of Environment, to assess the impacts of the combined discharge and alternatives to minimize negative impacts to the receiving waters. The results of the study are to provide the basis of the conditions of the discharge permit to be issued to CITF by WAC. This permit shall be in place prior to the introduction of dolphins in the pool to be operated by DDC. To date, the study report has not been submitted to WAC.

Water Supply:
Please be advised that this development is situated within the Cayman Water Company's water supply area. The developer shall contact Cayman Water Company's Customer Service regarding connection to their system.”

Response to Agency Comments
The Planning Department is in agreement with those comments made by the various departments. Should the application be approved, these comments will be taken into consideration as conditions prior to the issuance of a Final Certificate (of Fitness for Occupancy).

PLANNING DEPARTMENT ANALYSIS
As noted above, the applicant is requesting planning permission to construct a commercial building, 10-ft high security fence, T.V. dish, seawall, refurbishing the existing marine pool, signs (24-sq. ft for the letters and 12-sq. ft. the dolphin sign), and cabanas at the Turtle Farm, West Bay. From an architectural perspective, the Department is of the view that the proposed building elevations are in keeping with the architectural design of the Turtle Farm redevelopment and the surrounding buildings in the immediate area.

Floor Plan
As depicted on the floor plans, the proposal would consist of a reception hall, orientation rooms, fish preparation, marine trainer's room, refrigerated room, and offices.

Building Setbacks
As noted on the site plan, the proposed building is setback 86-ft from the HWM and 24-ft from the road edge boundary. In Accordance with Regulation 8(10)(c) of the Development and Planning Regulations (2003 revision), the minimum setback from the HWM shall be 50-ft. It should be noted that the applicant is
proposing to construct a 20-ft high seawall ASL to replace the existing seawall along the shoreline. The Department is concerned that if approval is granted for the new wall, similar applications in the area could be submitted. The existing seawall is setback 24-ft from the HWM.

**Site Layout**

As a minor matter, the site plan should be revised to illustrate a 6-ft wide sidewalk along the public road. With regards the solid waste container, the applicant has indicated that the treatment plant would be designed to accommodate the weight of a garbage truck. Concerning the location of the treatment plant, the Department would suggest that the plant should be located in the landscape area along the orientation rooms building wall (southern elevation). The applicant has indicated the deep well to be setback 101-ft from the HWM.

**Summary**

Other than minor modification to the site plan, the Department has no objection to the proposal.

**At 5:10 pm, Mr. Gene Thompson appeared on behalf of the applicant.**

**CPA** Welcomed Mr. Thompson and summarized the intent of the application. Noted that there were some issues regarding storm contingencies for the dolphins, the location of the sewage treatment plant and the height of the seawall.

**Mr. Thompson** Stated that the ADS is fulfilled as far as he is concerned. They dump effluent into the Turtle Farm area, about 30 tons of effluent per day. They have a commitment from the Turtle Farm to help reduce the bio-load.

**CPA** Asked him to respond to the location of the sewage treatment plant.

**Mr. Thompson** They will comply with whatever Environmental Health wants.

**CPA** Asked what is the process for effluent treatment.

**Mr. Thompson** Replied that they will work with the Turtle Farm on this matter.

**CPA** Asked if they have a contingency plan for the dolphins in case of a hurricane.

**Mr. Thompson** Replied that they are working with the Department of Agriculture on this matter. They will be signing an agreement that sets out the steps they will follow in case of a hurricane. 48 hours before an event they will notify Agriculture. 24 hours before, they will move the dolphins to the pool at Grand Pavilion. The dolphins can stay there for up to 7 days. If they need to be kept safe beyond that, the dolphins will be moved to a canal in Crystal Harbour. If a longer period of time is required, they are working with Agriculture about a location in Mexico. The plan is very detailed. The dolphins have great value, about $300,000 each, so it is in their best interest to ensure they are protected.

**CPA** Thanked him for appearing and noted that he would be advised of the
decision in writing.

2. 5 RENE HISLOP Block 28E Parcels 17 and 26 (F05-0408) (P05-1066) (S8,780,000) (KG)

Application to modify the Authority’s decision to adjourn an application for twenty eight (28) apartment units, pool, cabana and sign.

Appearance at 3:50
Mr. Robert Watler declared a conflict and left the meeting room.

FACTS
Location Savannah, Shamrock Road
Zoning LDR
Notice Requirements Objectors
Parcel Size 6.4800 acres
Current Use Vacant
Proposed Use Apartments
Building Size 79,826 sq. ft.
Density 4.32
Allowable Density 15
Building Coverage 19.81%
Total Site Coverage 19.81%
Proposed Parking 56
Required Handicapped Spaces 2
Required Parking 42
Number of Units 28

BACKGROUND
At a meeting held on October 26, 2005, the subject application was adjourned for the following reasons:

1. The access road (28E 26) should be truncated 10-ft. at the junction of Shamrock Road.

2. Provision should be made for Vehicular connection to the access road (28E 112) into Savannah Estates Subdivision.

Decision: It was resolved to adhere to the Authority’s decision of CPA/26/05; item 2.4 (October 26, 2005). It was further resolved that the applicant shall serve notice to the owners in the Savannah Estates subdivision noting that the plans
have been revised to incorporate the provision of a road connection to that subdivision.

**AGENCY COMMENTS**

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

**Chief Environmental Health Officer**

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

**Solid Waste**

1. The proposed location of the onsite solid waste facility is not satisfactory. The facility is located in the curve and the design arrangements are such that the service vehicle will completely block the road while the container is being serviced. This presents obvious road safety hazards.

2. The enclosure shall be relocated and designed to satisfaction of the department. A revised site plan showing the new location of the facility shall be submitted for review and approval.

**Swimming Pool**

1. The applicant has not submitted information on the pool to allow the adequate review of the pool to determine if it conforms to public health requirements as required in Section 38 of the Public Health Law (2002 Revision).

2. The following minimum information must be submitted to the department:

   1. A plan of the pool drawn to a minimum scale of ¼ inch to 1 foot and showing both top and profile view.

   2. The following minimum data shall be included in the above mentioned plans and specifications:

      - The surface area of the pool.
      - The volume of water in the pool.
      - The proposed circulation period.
      - The pump capacity.
      - The total head in the recirculation system.
      - The proposed electric motor size.
      - The type of filter.
      - The minimum filter area.
      - The number of inlets.
      - The number of skimmers."
• The maximum bather load.
• The locations of stairs, ladders, grab rails, and handrails.
• The location of depth markers.
• The width of the pool deck
• The pool deck drainage plan.
• Specifications for chlorinator or other disinfection system provided.
• The type of flow meter.
• The influent and effluent pressure gauges.
• Plumbing details.

Water Authority

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

Water Supply:

• The developer shall provide water infrastructure for the development. The developer shall submit plans for the water supply system for approval by the Water Authority. The water supply system shall be installed to the Authority's specifications, under the Authority's supervision. Copies of these specifications are available at the Water Authority's office on Red Gate Road.

• The developer shall notify the Water Authority's Engineering Department at 814-2140 as soon as possible to ensure that site-specific connection requirements are relayed to the developer and to provide the Authority with sufficient notice to make necessary arrangements for connection. The Authority is not responsible for delays due to insufficient notice from the developer.

• The developer shall request to have the development connected to the Water Authority's public water system (located in Shamrock Road). This request will be acted upon after the pipelines on the development have been installed in accordance with the WAC specifications and have passed all specified tests.

• Wastewater Treatment:

• The developer shall provide an on-site aerobic wastewater treatment system(s) with a treatment capacity of at least 10,500 US gallons per day (gpd). The required capacity is based on the following:

• The treatment system(s) shall be designed to produce an effluent quality of 30 mg/l BOD5 and 30 mg/l Suspended Solids.

• Prior to installation, the developer shall provide detailed information on the proposed treatment system(s) to the Water Authority for approval.

• Adequate area shall be reserved for the treatment system(s). The location
shall comply with the minimum setback requirements of the Planning Department. Special consideration shall be given to the elevation of the treatment system, relative to the elevation of the local water table.

- All treated effluent shall be discharged into a disposal well. 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. Discharge into the disposal well shall be by gravity-flow.

- If a lift (pumping) station is required as part of the wastewater collection system due to elevation and/or length of run, it shall be installed upstream of the treatment system, to meet the above requirement that the discharge from the treatment system to the disposal well is gravity-flow. Full details of any proposed pumping station (i.e., size of wet well and pump specifications) shall be submitted to the Water Authority for approval.

- The treatment system(s) shall have easy access for operation, maintenance, inspection and sampling. It is strongly suggested that the system be installed in a secure manner to prevent tampering or accidents.

Please be advised that the above property is situated within the area presently supplied with piped water and will be connected to the Water Authority's Public Water Supply system upon request by the owner.”

National Roads Authority

“As per your memo dated September 21st, 2005 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations.

Road Capacity Issues

The number of expected daily trips that could be generated by this development include 188 total additional daily trips with 17 of them during the peak hour.

Access and Traffic Management Issues

The driveway aisles shall be a minimum of twenty-four (24) ft wide with entrance and exit curves having no less than fifteen (15) feet radius curves. Please have applicant revise.

An access point at 28E112 was created when the site was originally subdivided. This should be reflected on the applicant’s proposed site plan in order to provide subdivision interconnection. At the very least, a pedestrian/bicycle path should be provided.

Traffic Calming Issues

The road through the proposed apartment and clubhouse is approximately 930 ft in length ending in a landscaped roundabout. The proposed design of the road may in the future contribute to a speeding problem and therefore complaints from the residents to the NRA. Thus, the NRA suggests that a traffic calming plan be put in place in conjunction with the already proposed roundabout. Suggested
methods include:

Placing a six (6) ft sidewalk with a three (3) ft landscaped border down one side of the proposed road to reduce the width of the roadway and creating a “road diet”.

Placing a six (6) ft landscaped median down the length of the road or even just sections of the road. This could also be used as part of the applicants Stormwater Management Plan.

**Stormwater Management Issues**

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff within the subject parcel and retain existing drainage characteristics of the site as much as is feasible through innovative design and use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is no worst than pre-development runoff. To that effect, the following requirements should be observed:

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.

- Should the applicant elect to address site’s drainage conveyance system by vertical wells, please provide 1 well per every 4,500 square feet of impervious surface area, which is the combined square footage for sidewalks, parking areas and roof area. Stormwater drains shall be located in the parking lot and soft landscaped areas with parking areas sloped towards the drains. The minimum specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in diameter.

- 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 property line (along the entire width of the driveway).

- Curbing is required for the parking areas to control stormwater runoff.

- Roof water runoff should not drain freely over the parking area or unto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins in or near the parking lot. 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.”

**OBJECTIONS**

**Letter #1**

“I own residential property near this proposed commercial apartment project in Savannah and I am concerned this may cause problems with our ground water contamination from septic tanks or cesspools and may expose us to salt water spray by opening up this area to large scale development when and if we have another large hurricane such as Ivan.

Savannah has never had anything larger than duplexes and one six unit apartment building to the best of my knowledge.

I would like to know how many units are planned. Nothing on notice of application and also the results of percolation test since that area is almost all cliff rock.

Thank you very much for your help in this matter.”

**Letter #2**

“I wish to register my objections to the above mentioned plans in their current form on the following grounds:

- The existing buildings in the area are a mixture of single & two storey buildings. The apartment complex being a concentration of two storey buildings will be out of keeping with the character of the area.

- The vast majority of the buildings in the area are of unique designs. Again, a concentration of buildings all of one design is out of keeping with the character of the area. If each building was of a different design, the development would be much more attractive and would fit in with the existing design variety in the area.

- The plans appear to provide for the clearance of the land to the coastline. If this is the case it will remove an important buffer zone that provides protection from large waves. This was admirably demonstrated during hurricane Ivan when no sea water flooding was experienced in the area.

- The clearance of large areas of vegetation destroys habitats for all sorts of
creatures including our national bird. It also has an adverse impact on the micro climate of the area.

- Thank you for taking time to consider my comments.”

Letter #3

“Please accept this letter as my formal objection to this project being built in this location in Savannah for the following reasons:

I think the cliff and ironshore land is unsuitable for this large type of development because of removal of natural growth, trees and vegetation which will cause our area to be subject to salt spray and maybe storm surge should another large hurricane occur. This growth is a natural barrier.

A development of this magnitude will also have a huge impact on our public roads. It is almost impossible to get out of our driveway in Savannah now, whether heading to George Town or east to the other districts, because of bumper to bumper traffic mainly in the early morning and rush hour in the PM. Before such large projects are allowed the Government should improve the flow of traffic in our area. There is still only a two lane road and this development will only add more vehicles to our narrow crowded roads.

I also think it will have an impact on our well water in this area due to salt water intrusion due to all the deep drainage wells that are planned to be drilled to remove surface water from the property. There were no retention ponds on the plan I saw in your office. Most homes in Savannah use well water for watering our fruit trees, gardens and lawns which cannot tolerate salt water.

This development will also present another problem in the event of a strong hurricane. To my knowledge Savannah does not have adequate public hurricane shelters. As many as seventy-five to one hundred people could live at these apartments. Where will they go if no shelters are in place.

Also if a lot of children live there it could cause overcrowding in the small Savannah elementary school.

Some thought should also be given to the fact that Savannah has no fire station. The nearest one is in Boddentown or Georgetown. Allowing that many people to live in a compact situation could be asking for trouble without proper facilities in place.”

PLANNING DEPARTMENT ANALYSIS

Major Development Consideration

Pursuant to Section 6 of the Development and Planning Law (2003 Revision), the Central Planning Authority has the responsibility of reviewing major development applications with respect to their potential impact on the infrastructure of the Island. The subject application qualifies as a major application with respect to Section 6 (2) (e). Accordingly, the Authority must review this application with specific consideration given to Sections 6 (1), (3), (4), (5), (6) and Section 7. The following chart has been formulated to assist the Authority in reviewing the
application with respect to the aforementioned sections of the Law. The Department has included its reasoned recommendations for each section of the Law for the Authority’s consideration.

**CHART A**

<table>
<thead>
<tr>
<th>Section</th>
<th>Consideration</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec 6 (1) (a)</td>
<td>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:</td>
<td>Other than additional traffic, impacts would be minimal.</td>
</tr>
<tr>
<td>Sec 6 (1) (b)</td>
<td>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:</td>
<td>There are no such aspects.</td>
</tr>
<tr>
<td>Sec 6 (1) (c)</td>
<td>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:</td>
<td>There are no such aspects.</td>
</tr>
<tr>
<td>Sec 6 (1) (d)</td>
<td>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:</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>Sec 6 (1) (e)</td>
<td>Assessed the importance to be attached to those considerations or aspects and found that:</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>Sec 6 (3)</td>
<td>The Authority is informed that the Law gives the Authority the discretion whether to permit the applicant for planning permission an opportunity to appear before the Authority and to be heard by five or more Members of the Authority and decided that:</td>
<td>Objections was received from adjacent landowners.</td>
</tr>
<tr>
<td>Sec 6 (4)</td>
<td>The Authority considered whether the development proposed in the application should instead be carried out at an alternative site and found that:</td>
<td>No other site was proposed.</td>
</tr>
</tbody>
</table>
CHART A (cont’d)

<table>
<thead>
<tr>
<th>Sec 6 (5)</th>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td>response: No further research required</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sec 6 (6)</th>
<th>The Authority noted that it may hold an inquiry, if it thinks it necessary, for the proper discharge of its functions and decided that:</th>
</tr>
</thead>
<tbody>
<tr>
<td>response: Not required</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sec 7</th>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td>response: The Authority considered and took into account the agency reports presented thus far.</td>
<td></td>
</tr>
</tbody>
</table>

The applicant is requesting permission from the Central Planning Authority to create an apartment complex consisting of 28 apartment units, a clubhouse with pool and a wall sign at the entrance of the development. The proposed development is located in Savannah off Shamrock road and is zoned Low Density Residential.

As stated the applicant is proposing 28 apartment units, comprising of 7 buildings with each buildings having 4 units and are 2 storeys in height. The Department is aware that the property can accommodate a significant amount of apartments and have provided the following statistic base on a property size of 6.48 acres:

<table>
<thead>
<tr>
<th>Allowable: 97 units</th>
<th>Proposed: 28</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable: 155 bedrooms</td>
<td>Proposed: 84</td>
</tr>
</tbody>
</table>

Clearly the following illustrates that the applicant has not maximized the property to its allowable capacity which could possibly have a significant effect on the property and adjacent landowners. Adverse change may include land usage, air, water, ambient noise, traffic and economic or social changes within the character of the area. Thus the Department is accepting of the applicant's proposal but like to bring the following to the Authority's attention.

**Existing Private Road/Access Point**

A private access road was provided at 28E-112 when the parcel was subdivided which is not reflected in the applicant's proposal. The Department has mentioned to the applicant that provision should be made to allow continuity of the road and provide improved internal vehicular circulation.

**Interior Road**
As stated in NRA’s comments which the Department also conveyed to the applicant prior to receiving the comments is that the internal road way is rather lengthy and could be used a possible speed way. The Department asked the applicant to provide speed pumps along strategic points of the road or to provide a median along the center of the road with landscape dividers creating a one-way traffic circulation with the development. The Department recommends the latter solution be utilised as that will improve the aesthetics of the site.

**Recreational Area**

The Department realizes the applicant's intent to provide a play area for the development was indeed a good one; however, the location seems to be assigned from 'left over' land space that was not properly configured within the development in a comprehensive manner. The location has can become a potential hazard for children at play with no means of protection from vehicular traffic. The applicant is advised to relocate the play area to location that is favorable to the children’s safety.

**Sidewalk**

The site plan did not reflect any provision for sidewalk within the development. The Department asked that the applicant provide an internal sidewalk to assist with pedestrian circulation within the complex and possibly along one side of the primary entrance to the development. However, the applicant has expressed that he would like to landscape along the sides of the entrance to the development therefore providing a sidewalk along one side will interfere with his intent. The access road is shown as 25 ft. wide and to landscape or provide sidewalk will reduce this width. There are no truncations on either side. This is not prudent planning for a multi-family development, especially along this busy road.

**SUPPLEMENTARY ANALYSIS**

On October 26, 2005, the subject application was adjourned in order for the applicant to amend the application to reflect the background information. The applicant has amended the application accordingly and would like for the Central Planning Authority to grant their approval.

At 3:50 pm, Mr. Rene Hislop and Mr. Hedley Robinson appeared on behalf of the applicant.

**CPA** Summarized the application and noted that they appear to be before the Authority to discuss the issue of providing access to the adjacent land.

**Mr. Hislop** There were two issues from the first meeting, road truncation and access to the adjacent parcel. They have provided the truncation, but have decided not to show an actual road connection to the adjacent land. But they have allowed space for it on the drawing. The road in the adjacent subdivision is a private road and they were getting objections from the owners in the subdivision.

**CPA** Asked how many owners are in that subdivision.

**Mr. Hislop** Replied that there are about 40 owners.
CPA So they would have to serve notice to about 40 people.

Mr. Robinson They would probably have to do the entire subdivision.

Mr. Hislop Would they have to serve notice to everyone.

CPA Mainly the people to the west.

Mr. Hislop Does that mean the people in the Savannah Estates subdivision.

CPA Yes.

Mr. Hislop The subdivision could be approved as is, without any notices, because if the NRA wants the road connection then they can do it themselves.

CPA There would then be two private roads.

Mr. Hislop Yes, but they can’t make him give access to the adjacent land owners. The subdivision should be approved as is.

CPA Asked if he can see the benefit of road interconnection for the residents in the two neighbourhoods. They can visit without having to go onto the main road.

Mr. Hislop Cayman is changing and and that may not be a good idea. He knew the adjacent owners would object if there was a road connection and now that has happened.

Mr. Robinson Legally, they don’t have access over that adjacent private road.

CPA If they left a 1’ reserve between the road connection and the property line then they would not technically be joined and if the NRA wants to deal with it in the future then they can.

Mr. Hislop That could still raise objections.

CPA They wouldn’t be asked to pave the connection.

Mr. Hislop They could pave the area and put the garbage skip there which will block the access until it is required at some point in the future.

CPA They could put up removable bollards, but Regulation 25 does say that the Authority can require access to adjoining properties.

Mr. Hislop It says may, not shall.

CPA These are private roads and they can fence them if needed. Both subdivisions will see the benefits in the future. They must get away from the idea of segregation. They do realize that they will need an easement for the truncation.

Mr. Hislop Yes, he knows an easement will be required.

CPA Will the road be registered as a road parcel.

Mr. Hislop No, it will be part of the Strata. He is just trying to create a nice low density development and the NRA can proceed with a road connection if they want it. He has done all that was asked of him. Also, the adjacent parcel, 112, is not paved.

CPA It may not just be NRA, but the two neighbourhoods themselves who may
want to do it.

Mr. Hislop  He is okay with that.

CPA  If they made an offer to pave 112, would the neighbours be okay.

Mr. Hislop  He doesn’t think so, they would still object. He tried to get access from that subdivision, but that didn’t work.

CPA  Thanked then for appearing and noted that they would be advised of the decision.

The Authority considered the matter further and determined that the provision for road interconnectivity is valid per Regulation 25 of the Development and Planning Regulations (2003 Revision). It was further determined that the applicant must notify the owners of the adjacent subdivision of the revision to the plan to incorporate the provision for a road connection.

2. 6 NATIONAL TRUST MISSION HOUSE Block 44B Parcel 190 (F05-0431) (P05-1122) ($350,000) (KG)

Application for rebuilding of historical Mission House.

FACTS
Location  Gun Square Road, Bodden Town
Zoning  MDR
Notice Requirements  No Objectors
Advertisements  NA
Parcel Size  2.7500 acres
Current Use  House
Proposed Use  House
Building Size  1,892 sq. ft.
Building Coverage  1.01%
Total Site Coverage  1.01%
Proposed Parking  1
Required Parking  1

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

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

2) Unless specifically authorized otherwise in writing by the Central Planning
Authority, the Development shall be carried out strictly in accordance with the approved plans which you will receive when the above condition is complied with.

Additionally, once construction has started, conditions (3-5) shall be complied with before a final Certificate of Occupancy can be issued.

3) The applicant shall provide a septic tank with a capacity of at least 2,500 US gallons, to serve both buildings, alternatively, (1) 1,500 gallon septic tank per building can be provided. The septic tank shall be constructed in strict accordance with the Water Authority's standards.

4) All treated effluent shall be discharged into a deep well. The deep well shall be constructed in strict accordance with the Water Authority's standards.

5) The discharge pipe from the septic tank shall enter the disposal well at a height of at least two feet above the water table level in the well.

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

AGENCY COMMENTS

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

Chief Environmental Health Officer
1. “A 5 ft by 5 ft enclosure shall be provided for this site. The enclosure shall be equipped with four 32-gallon bins.

2. The enclosure shall be designed and location to comply with the department's guidelines.

3. Design details for the kitchen shall be submitted for review and approval.”

Water Authority

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

- The developer shall provide a septic tank with a capacity of at least 1,000 US gallons. The septic tank shall be constructed in strict accordance with the Authority's standards.

- The effluent from the septic tank shall be discharged into a disposal well. The disposal well shall be constructed in strict accordance with the Authority's standards. The discharge pipe from the septic tank shall enter the disposal well at a height of at least two feet above the water table level in the well.

Please be advised that this development is situated within the Water Authority's public water supply area and will be connected to the system upon request by the owner. The location of that connection will be at the discretion of the Water Authority.”
PLANNING DEPARTMENT ANALYSIS

The Mission House in Bodden Town, one of Cayman's oldest buildings was destroyed during the passing of Hurricane Ivan. The Mission House will be built to reflect its appearance in 1906 and concentrate on producing an authentic replica of the destroyed building utilizing traditional materials and methods.

To expedite the process, the Mission House is seeking approval to rebuild the structure as it was known in 1906 but would like to apply for change-of-use at later date. The change-of-use will include space for a Visitors Center, community meeting room and educational rooms reflecting a number of subjects including Bodden Town, religion, and the house itself.

The Department endorses the applicant's request as the application is properly presented and most importantly endorses the applicant's effort in trying to retain 'Cayman History'.

### 2. 7 HURSTONE LTD. Block 12C Parcel 16 (FA83-0333) (P05-1134) (P05-1133) ($10,000,000) (BES)

Application for mixed-use commercial and residential redevelopment.

**Appearance at 11:15**

**FACTS**

- **Location**: Coconut Place, West Bay Road
- **Zoning**: N COM
- **Notice Requirements**: No Objectors
- **Parcel Size**: .9998 acres
- **Current Use**: Commercial/Warehouse
- **Proposed Use**: Mixed-Used Commercial
- **Building Size**: 46,130 sq. ft.
- **Building Coverage**: 44.2%
- **Parking Coverage**: 15.8%
- **Total Site Coverage**: 60%
- **Proposed Handicapped Spaces**: 6
- **Proposed Parking**: 91
- **Required Handicapped Spaces**: 4
- **Required Parking**: 89

**BACKGROUND**

Nov. 16, 2005 (CPA/30/05; item 2.22), CPA adjourned the application to invite in the applicant to discuss residential on two floors and reversing onto the road.
**Decision:** It was resolved to grant planning permission, **subject to the following conditions:**

In addition to Building Permit requirements, conditions (1-4) listed below shall be met before a Building Permit can be issued.

1) The applicant shall submit a revised drawings showing the following:
   a) The floor height of the commercial units reduced to 12 feet.
   b) Two loading/service parking spaces at the central rear portion of the building. The minimum required number of parking spaces for the development shall be provided.

2) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating the location of material storage and parking during the construction phase.

3) The applicant shall submit, in accordance with the requirements of the National Roads Authority, a Stormwater Management plan designed to contain storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties that are lower, and/or surrounding roads, are not subject to stormwater runoff from the subject site. The plan shall include provisions for controlling roof runoff.

4) The applicant shall submit a landscape plan which shall be subject to review and approval by the Director of Planning.

5) 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.

6) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans which you will receive when all of the above conditions are complied with.

Additionally, once construction has started, conditions (7-18) shall be complied with before a final Certificate of Occupancy can be issued.

7) This development shall be connected to the West Bay Beach Sewerage System (WBBSS). The applicant shall notify the Water Authority's Engineering Department as soon as possible to ensure that:
   a) the site-specific connection requirements are relayed to the applicant,
   b) any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the applicant would be held responsible), and
   c) the Authority can make necessary arrangements for connection.

8) The Water Authority is not responsible for delays due to insufficient notice from the applicant.
9) The applicant shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The applicant shall submit plans for that infrastructure to the Water Authority for approval.

10) The Water Authority shall make the final connection to the WBBSS, the cost of which shall be borne by the applicant.

11) The applicant shall also provide (2) 1,250 gallon grease interceptors, installed in series, to pretreat the wastewater from the restaurant's kitchen fixtures prior to discharging into the WBBSS. The grease interceptors shall be constructed in accordance with the Water Authority standards.

12) This property is within Cayman Water Company's service area for piped water supply. They shall be contacted for a connection to their distribution system.

13) A six-foot wide concrete sidewalk along the road side property lines, and a 4 feet minimum in width landscape strip along the inside edge of the sidewalk. Construction of the sidewalk, drain and driveway shall be to the satisfaction of the Director of Planning in consultation with the National Roads Authority.

14) The parking lot and driveway aisles surfaced with asphalitic concrete or equivalent and tire stops provided for each parking space which shall be striped.

15) The approved stormwater management system shall be installed on site.

16) Construct a gentle 'hump' at the entrance (along the entire width of the driveway) in order to prevent stormwater runoff from and onto South Church Street.

17) Curbing is required for the driveway and parking areas to control stormwater runoff.

18) At a minimum, the applicant shall provide 1 drain well per every 4,500 square feet of impervious surface area, which is the combined square footage for sidewalks, parking areas and roof area. Stormwater drains shall be located in the parking lot and driveway with parking areas sloped towards the drains. The minimum recommended specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in width.

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

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

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

The applicant is reminded that the proposed development is subject to compliance with the Public Health Law, Fire Brigade Law, Water Authority Law and Roads Law.
To prevent potential delays and save money, the applicant may wish to coordinate with the following agencies prior to commencing any construction: Caribbean Utilities Company, Cable & Wireless 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 following comments are submitted with respect to the above application:

Solid Waste

1. The solid waste enclosure shall have be 10 ft by 10 ft and shall be provided with water under pressure, a drain, and deep well or other approved method of waste disposal.

2. The enclosure shall have a minimum height of 5 ft 6 in.

3. The enclosure shall be centrally located, and so placed, as to allow easy access for servicing by the Department's vehicles.

4. The enclosure shall be located so that the vehicle can access the container directly and have adequate room to lift it into the discharge position.

5. The service vehicles shall be able to enter and exit the site without having to reverse onto the highway.

6. The facility shall be located away from overhead power lines and other protrusions that can cause electrical shock, injury, or other difficulties during servicing.

7. A minimum clear space of 50 feet shall be provided directly in front of the facility to allow the vehicle sufficient area to back out of the facility.

8. The facility shall be located such that the vehicle will not impede normal vehicular flow or create potentially dangerous traffic situations while the container is being serviced.

Restaurant

1. The following information is required:

   a. A detailed fully labelled floor plan of the kitchen showing the layout of all equipment.

   b. Full details of the exhaust ventilation system for all cooking equipment. The following data shall be included:

      - The length and width of the hood.

      - The designed exhaust rate.
• The total area of the grease filters.
• A section through the hood showing the angle of installation for the filters and the location of the drip pans.

c. Design specifications for the hot water system. The following information shall be included:
• The type of heater proposed.
• The thermal efficiency of the heater.
• The minimum designed hot water requirements.
• The storage capacity of the heater.
• The rating of the heater.
• The recovery rate of the heater.

d. Design details for ancillary facilities including dry food storage, cold food storage, sanitary facilities, and dish and utensil storage.

e. Design details for the dishwashing equipment. If a mechanical system is provided then the following minimum information shall be included:
• The type of dishwasher.
• The size of the racks.
• The capacity of the dishwasher in terms of number of racks per hour.
• The water volume in the wash cycle of the machine.
• The minimum wash cycle time.
• The minimum pump capacity for the wash cycle.
• The minimum volume of water for the rinse cycle.
• The minimum rinse cycle time.
• Rinse water flow pressure on line at machine.”

Water Authority

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

This development shall be connected to the West Bay Beach Sewerage System (WBBSS).
• The developer shall notify the Water Authority's Engineering Department 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 Authority is not responsible for delays due to insufficient notice from the developer.

The developer shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The developer shall submit plans for that 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 developer shall also provide (2) 1,250 gallon grease interceptors, installed in series, to pretreat the wastewater from the restaurant's kitchen fixtures prior to discharging into the WBBSS. The grease interceptors shall be constructed in accordance with the Water Authority standards.

This property is within Cayman Water Company's service area for piped water supply. They should be contacted for a connection to their distribution system.”

National Roads Authority

“As per your memo dated October 6 2005, the NRA has reviewed the planning application for the redevelopment of the subject parcel. Please find below our comments and recommendations.

Road Capacity Issues

Our understanding of the current proposal is that the development will consists of about 6,674 square feet GLA of retail and a restaurant of 3,480 square feet on the ground floor, giving a total of 10,154 square feet of commercial space. On the second floor, the proposal development calls for thirty-two (32) lot apartments.

Assuming a worst case traffic generation scenario, the commercial component of the development is reviewed in accordance to ITE Code 820 (Shopping Centre) while ITE Code 220 (Apartments) is applied for the residential component. For the commercial traffic, the following trip generation equations supplied by ITE were used for estimating the daily, AM and PM peak hour trips.

<table>
<thead>
<tr>
<th>Land Use &amp; (ITE Code)</th>
<th>Daily Rate/Equation</th>
<th>AM Peak Hour Rate/Equation</th>
<th>In/Out Ratio</th>
<th>PM Peak Hour Rate/Equation</th>
<th>In/Out Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial (820)</td>
<td>( \ln(T) = 0.64 \ln(X) + 5.87 )</td>
<td>( \ln(T) = 0.60 \ln(X) + 2.33 )</td>
<td>61/39</td>
<td>( \ln(T) = 0.66 \ln(X) + 3.40 )</td>
<td>48/52</td>
</tr>
</tbody>
</table>

where \( T \) is the “average vehicle trip end” and \( X \) is the “1,000 square feet’.

For the residential component, 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 following summarizes the anticipated traffic volumes generated by the ultimate proposed development at the two driveways.

42
<table>
<thead>
<tr>
<th>Land Use</th>
<th>Expected Daily Trip</th>
<th>AM Peak Hour Total Traffic</th>
<th>AM Peak Inbound</th>
<th>AM Peak Outbound</th>
<th>PM Peak Hour Total Traffic</th>
<th>PM Peak Inbound</th>
<th>PM Peak Outbound</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Traffic</td>
<td>1,536</td>
<td>41</td>
<td>25</td>
<td>16</td>
<td>138</td>
<td>66</td>
<td>72</td>
</tr>
<tr>
<td>Residential Traffic</td>
<td>73</td>
<td>6</td>
<td>1</td>
<td>5</td>
<td>7</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Net Driveway Traffic</td>
<td>1,748</td>
<td>58</td>
<td>30</td>
<td>27</td>
<td>158</td>
<td>79</td>
<td>79</td>
</tr>
</tbody>
</table>

Note that a reduction factor known as “pass-by trips” (defined as those trips that would be observed on a road segment irrespective of whether a land use is present or not) is generally applied to commercial/retail traffic generation rates. The NRA recognizes that such trips reductions could account to about 40% of driveway traffic at a commercial development site. The following table reflects such 40% reduction factor to the driveway traffic and thus would represent the net contribution to anticipated traffic growth along West Bay Road.

<table>
<thead>
<tr>
<th>By-Pass Reduction</th>
<th>Expected Daily Trip</th>
<th>AM Peak Hour Total Traffic</th>
<th>AM Peak Inbound</th>
<th>AM Peak Outbound</th>
<th>PM Peak Hour Total Traffic</th>
<th>PM Peak Inbound</th>
<th>PM Peak Outbound</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>614</td>
<td>17</td>
<td>10</td>
<td>6</td>
<td>55</td>
<td>27</td>
<td>29</td>
</tr>
<tr>
<td>Net Generated Traffic</td>
<td>1,133</td>
<td>41</td>
<td>20</td>
<td>21</td>
<td>103</td>
<td>53</td>
<td>50</td>
</tr>
</tbody>
</table>

Based on the latest available traffic counts (survey conducted in March 2003), West Bay Road just north of the subject lands accommodated about 20,500 vehicles per day (vpd). Annual traffic growth on Grand Cayman has been in the order of about 6% per annum; therefore, it is estimated that the current daily traffic demand on this section of West Bay Road is approximately 22,600 vpd. On that basis, approval of the proposed development would contribute to add the equivalent to another 5% of the existing travel demand of the nearby road network.

Access and Traffic Management Issues

The NRA is prepared to entertain the addition of a one-way entrance driveway along the northern property line for the residential parking. However, the narrowness of the drive lane (17 feet in width) causes some concerns for accessibility by large vehicle that might mistakenly use this driveway; therefore, perhaps the entrance should be controlled by a raised gate to separate the residential from the commercial traffic.

Please note that the northern radius curves of the latter drive lane is less than fifteen (15) feet and cannot accommodate a fire truck turning onto the lane from
the West Bay Fire Station! Please have applicant rectify this deficient.

Finally, note that parking stall #40 should be eliminated in order to properly accommodate vehicles to turn into the covered drive-thru.

**Stormwater Management Issues**
The applicant must demonstrate that the development’s drainage systems can be self contained within the subject parcel. 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 must ensure that nearby roads or land parcels, are not subject to stormwater runoff from the subject site.

- The stormwater management plan shall include site grading 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 - details of impervious areas calculations should be included with the plan.

- Construct a gentle ‘hump’ along the entire width of all driveways in order to prevent stormwater runoff from and onto West Bay Road.

- Roof water runoff should not drain freely over the parking area or unto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins in or near the parking lot. 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.”

**Response to Agency Comments**
The Planning Department is in agreement with those comments made by the various departments. Should the application be approved, these comments will be taken into consideration as conditions prior to the issuance of a Final Certificate (of Fitness for Occupancy).
PLANNING DEPARTMENT ANALYSIS

Major Development Consideration

Pursuant to Section 6 of the Development and Planning Law (2003 Revision), the Central Planning Authority has the responsibility of reviewing major development applications with respect to their potential impact on the infrastructure of the Island. The subject application qualifies as a major application with respect to Section 6 (2) (e). Accordingly, the Authority must review this application with specific consideration given to Sections 6 (1), (3), (4), (5), (6) and Section 7. The following chart has been formulated to assist the Authority in reviewing the application with respect to the aforementioned sections of the Law. The Department has included its reasoned recommendations for each section of the Law for the Authority's consideration.

**CHART A**

<table>
<thead>
<tr>
<th>Sec 6 (1) (a)</th>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Response: Other than additional traffic, impacts would be minimal.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sec 6 (1) (b)</th>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Response: There are no such aspects.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sec 6 (1) (c)</th>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Response: There are no such aspects.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sec 6 (1) (d)</th>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Response: Not applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sec 6 (1) (e)</th>
<th>Assessed the importance to be attached to those considerations or aspects and found that:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Response: Not applicable</td>
</tr>
</tbody>
</table>
CHART A (cont’d)

| Sec 6 (3) | The Authority is informed that the Law gives the Authority the discretion whether to permit the applicant for planning permission an opportunity to appear before the Authority and to be heard by five or more Members of the Authority and decided that:  
Response: No objections were received from adjacent landowners |
| 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: No other site was proposed. |
| 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 further research required |
| 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: Not required |
| 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 thus far. |

PLANNING DEPARTMENT ANALYSIS

As noted above, the applicant is requesting planning permission to construct a mixed-use commercial and residential development to be located at Coconut Place on West Bay Road. The surrounding land uses in the immediate area is commercial, multi-family residential, hotel and vacant properties.

Architecture/Aesthetics

From an architectural perspective, the Department is of the view that the proposed development would improve Coconut Place area architecturally. The photos below indicate the aesthetics of the buildings to be demolished. Without doubt, this development can only be an improvement for the area compared to the existing structures on the site to be demolished.
Floor Plan

As depicted on the floor plans, the proposal would consist of apartments, retail spaces, and restaurant.

Commercial Use

The floor plan indicates eleven (11) retail spaces and a restaurant both on the ground floor.

Residential Use

The applicant is proposing thirty-two (32) with forty-seven (47) bed rooms. For the Authority’s information, there are sixteen (16) apartments' three floors in height at the north elevation and sixteen (16) apartments' two floors in height at the south elevation respectively. In accordance with Regulation 13(9) of the Development and Planning Regulations (2003 Revision), in Neighborhood Commercial zone, residential use may be on one upper storey. It should be noted that no density is stipulated for residential development in the said zone; therefore, the Authority has discretion on the density requirements.

Third Floor Attic Loft

The applicant is proposing 32 bedrooms in the attic space of the roof. The
Authority needs to discuss whether or not this acceptable in Neighborhood Commercial zone. From a planning perspective, the proposed bedrooms in the attic space are a less intense use than commercial use.

**Agencies**

The National Roads Authority (NRA) is suggesting that the applicant should install a control lift-gate to separate the residential from commercial traffic. As noted on the site plan, the one-way driveway aisle is 17-ft wide. The Department concurs with the NRA that the northern driveway should be a control access point for residential. With regards to NRA recommending that parking space #40 be omitted, the Department cannot agree due to the fact that the northern access point is suggested to be restrictive for residential traffic. Vehicles other than emergency vehicles should be able to turn properly at parking space # 40.

**Setbacks**

The location of the solid waste dumpster and sewerage treatment plant are less than the 6 feet from the boundary in accordance with Regulation 8(7) of the Development and Planning Regulations (2003 Revision). The Department has requested the applicant submit a revised site plan addressing the above noted requirements.

**Summary**

Other than the minor medication to the site plan, the application complies with the intent of the regulations in Neighborhood Commercial zone. The proposed redevelopment of the site will be an improvement on the Seven Mile Beach area; therefore, the Department has no objection to the proposal.

**At 11:15 am, Mr. Rob Towell appeared on behalf of the applicant.**

**CPA** Summarized the application and noted that there were concerns with cars reversing onto the road and with two floors of residential in the Neighbourhood Commercial zone.

**Mr. Towell** Stated that it is a challenging site to design because it is so narrow. They worked with the Department from the beginning. The improved aesthetics will help the area. Regarding the road, they received a letter from NRA stating that they don’t know why the road is public and that it will never connect to the by-pass road and really it serves as an access aisle. The parking scenario exists now and he believes the Authority has discretion in this matter.

**CPA** There is an issue of traffic circulation.

**Mr. Towell** The road dead ends at a vacant parcel.

**CPA** The proposed building goes beyond Haagen-Dazs.

**Mr. Towell** Yes, it is included in this building. The new building will provide a better streetscape and will be more pedestrian friendly. The shops will be on the ground floor and each one will have a ceiling area of 17’ in height. The building does comply with height requirements.
Access is from the main road.

Mr. Towell Yes, there is a two way in/out and an additional entrance at the rear for the residential tenants.

CPA Parking for the residential units is at the rear.

Mr. Towell Yes, and they are proposing a gate to restrict commercial access. The NRA suggested this in order to minimize the use of the entrance.

CPA They are okay with that.

Mr. Towell Yes, it will be good for the tenants.

CPA Are there enough parking spaces at the rear.

Mr. Towell There is room for more, but they meet the regulations.

CPA Asked him to address the residential lofts.

Mr. Towell They didn’t want two floors of tenants, but rather something like a townhouse style. So really there is only one level of residential units. Access to the apartments is from stairs leading to the second level and then there are internal stairs leading to the loft areas.

CPA Can they incorporate a ‘T’ turnaround at the end of the road.

Mr. Towell There is not a high volume of people coming out of the rear of the building, so commercial traffic should have room to turnaround at the end of the building.

CPA How will the businesses get their supplies.

Mr. Towell The elevator has front and rear access to allow furniture to be moved and there could be an arrangement for store managers to keep their service out of the normal flow of traffic.

CPA Does the ground floor have rear entrances.

Mr. Towell Yes, there are access doors at the rear for service purposes.

CPA The gate will block the commercial service vehicles from entering.

Mr. Towell They could uses an access card program to address that issue.

CPA The main concern is to have service/loading areas at the rear, not the front.

Mr. Towell He agrees and there is a covered area at the rear that is 3’ wide that will assist with that.

CPA Is there enough space to get a truck around the building.

Mr. Towell Yes.

CPA It would be best to allocate specific spaces at the rear for service/loading purposes.

Mr. Towell They can work with that.

CPA Is the driveway at the back 22’ wide.
Mr. Towell  It is 21’ wide.

CPA  That should allow for cars to pass service vehicles.  If they provide service/loading areas they will still have to meet minimum parking requirements.

Mr. Towell  Stated that that seems solvable.

CPA  Thanked him for appearing and noted that he would be advised of the decision.

The Authority considered the matter further and determined that the application meets the intent of the Neighbourhood Commercial zone with respect to the amount of residential development. It was also determined that two specific service/loading spaces must be provided at the rear of the building and that the ceiling height of the commercial stores needs to be reduced to 12 feet – this will prevent future mezzanine areas from being constructed without approval.

2. 8  MS. SHELLY M. DILBERT Block 32E Parcel 74 (F05-0439) (P05-1142) ($276,635) (KG)

Application for three apartment units.

Appearance at 3:20 pm.

Mr. Fred Whittaker declared a conflict and left the meeting room.

FACTS

<table>
<thead>
<tr>
<th>Location</th>
<th>Cadet Drive, Lower Valley</th>
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</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>A/R</td>
</tr>
<tr>
<td>Notice Requirements</td>
<td>No Objectors</td>
</tr>
<tr>
<td>Parcel Size</td>
<td>.3534 acres</td>
</tr>
<tr>
<td>Current Use</td>
<td>Vacant</td>
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<tr>
<td>Proposed Use</td>
<td>Apartments</td>
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<tr>
<td>Building Size</td>
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<td>Density</td>
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<td>Allowable Density</td>
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<td>Building Coverage</td>
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<td>Total Site Coverage</td>
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<tr>
<td>Proposed Parking</td>
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<tr>
<td>Required Handicapped Spaces</td>
<td>1</td>
</tr>
<tr>
<td>Required Parking</td>
<td>4</td>
</tr>
<tr>
<td>Number of Units</td>
<td>3</td>
</tr>
</tbody>
</table>
Decision: It was resolved to refuse the application, for the following reasons:

1. The proposed application does not comply with Section 3.09 (2) of The Development Plan as the proposed multi-family development is not agriculturally dependent.

2. The proposed application does not comply with Regulation 21(3)(b) of the Development and Planning Regulations as the proposed multi-family residential use is not ancillary to use for agricultural purposes.

The Authority recognized that the applicant had been invited to appear before the Authority to discuss the application, but the applicant did not attend the meeting. The Authority was of the opinion that the applicant had been provided ample opportunity to appear, chose not to, and that a final decision could be rendered.

The Authority wishes to remind the applicant of the right to appeal pursuant to Section 48(1) of the Development and Planning Law (2003 Revision). Such appeal shall be made by Notice in writing, and referred to as “Notice of Appeal”. It shall be signed by yourself or your attorney-at-law and filed along with the prescribed CI$50.00 filing fee, in the offices of the Permanent Secretary of District Administration, Planning, Agricultural and Housing within the fourteen (14) day period as stipulated in Section 48(1).

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

AGENCY COMMENTS
Comments from the Chief Environmental Health Officer and Water Authority are noted below.

Department of Environmental Health

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

1. The department has no objections to the proposals contained in this application.

2. The enclosure shall be designed to comply with the department's guidelines.”

Water Authority

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

- The developer shall provide a septic tank with a capacity of at least 1,250 US gallons. The septic tank shall be constructed in strict accordance with the Authority's standards.

- The effluent from the septic tank shall be discharged into a disposal well. The
disposal well shall be constructed in strict accordance with the Authority's standards. The discharge pipe from the septic tank shall enter the disposal well at a height of at least two feet above the water table level in the well.

- This property is located outside the area presently served by the Water Authority's piped supply. It is the policy of the Water Authority - Cayman to extend water supply 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. An alternate potable water source (i.e. cistern) should be used in the interim.”

PLANNING DEPARTMENT ANALYSIS

The applicant is requesting permission to construct a three unit apartment complex located in the area of Lower Valley with access its Cadet Drive. The proposed apartment is single storey in height and conforms to the local architecture within the area. However the following concerns must be raised by the Department:

The area is zoned Agricultural/Residential and Regulation 21 (1) only permits one house per acre on Agricultural/Residential land.

Secondly, Regulation 21 (3) (b) also states that industrial, commercial or multi-family residential uses shall be permitted only if they are ancillary to use for agricultural purposes which is not the case in this instance. The CPA should be made aware that a letter was prepared and forwarded to the applicant via registered mail apprising the applicant that the application contravenes the above mentioned Regulation.

Regulation 21 (2) also states that buildings in Agricultural/Residential areas shall comply with the requirements for Low Density residential areas only in respect of parking, lot width, site coverage and setback. Notwithstanding, the lot size is only 15,394 sq. ft. which would not even comply should the property be zoned Low Density Residential.

Mr. Fred Whittaker declared a conflict and left the meeting room for the Department’s presentation of the application. Mr. Whittaker returned to the room to present the application as the applicant’s agent and then left the room again when the remaining members rendered a decision.

CPA Noted that the site is zoned Agricultural/Residential and that the Regulations do not allow for multi-family development unless it is associated with an agricultural use. There is no agricultural use in this instance.

Mr. Whittaker Understands that there is a problem and will suggest to his client that an application for a house be submitted instead.

CPA Thanked him for appearing and noted that he would be advised of the decision.

The Authority discussed the matter and determined that the application could not be approved as it did not comply with the relevant Regulations.
Application for a nine (9) unit apartment complex.

**Appearance at 1:50**

**FACTS**

<table>
<thead>
<tr>
<th>Location</th>
<th>Omega Drive, Prospect.</th>
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</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>LDR</td>
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<tr>
<td>Notice Requirements</td>
<td>Objectors</td>
</tr>
<tr>
<td>Parcel Size</td>
<td>.6198 acres</td>
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<td>Current Use</td>
<td>Vacant</td>
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<tr>
<td>Proposed Use</td>
<td>Apartments</td>
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<tr>
<td>Building Size</td>
<td>14,144 sq. ft.</td>
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<td>Density</td>
<td>14.52</td>
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<td>Allowable Density</td>
<td>15</td>
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<td>Building Coverage</td>
<td>26.19%</td>
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<td>Total Site Coverage</td>
<td>26%</td>
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<tr>
<td>Proposed Handicapped Spaces</td>
<td>1</td>
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<tr>
<td>Proposed Parking</td>
<td>15</td>
</tr>
<tr>
<td>Required Handicapped Spaces</td>
<td>1</td>
</tr>
<tr>
<td>Required Parking</td>
<td>13</td>
</tr>
<tr>
<td>Number of Units</td>
<td>9</td>
</tr>
</tbody>
</table>

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

1. The applicant is required to submit revised drawings showing a maximum of 9 apartments and 15 bedrooms.

**AGENCY COMMENTS**

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

**Water Authority**

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

- The developer shall provide an on-site aerobic wastewater treatment
system(s) with a treatment capacity of at least 2,000 US gallons per day (gpd). The required capacity is based on the following: (9) 2 bedroom units @ 225 gpd/unit = 2,025 gpd.

- The treatment system(s) shall be designed to produce an effluent quality of 30 mg/l BOD5 and 30 mg/l Suspended Solids.
- Prior to installation, the developer shall provide detailed information on the proposed treatment system(s) to the Water Authority for approval.
- Adequate area shall be reserved for the treatment system(s). The location shall comply with the minimum setback requirements of the Planning Department. Special consideration shall be given to the elevation of the treatment system, relative to the elevation of the local water table.
- All treated effluent shall be discharged into a disposal well. 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. Discharge into the disposal well shall be by gravity-flow.
- If a lift (pumping) station is required as part of the wastewater collection system due to elevation and/or length of run, it shall be installed upstream of the treatment system, to meet the above requirement that the discharge from the treatment system to the disposal well is gravity-flow. Full details of any proposed pumping station (i.e., size of wet well and pump specifications) shall be submitted to the Water Authority for approval.
- The treatment system(s) shall have easy access for operation, maintenance, inspection and sampling. It is strongly suggested that the system be installed in a secure manner to prevent tampering or accidents.

Please be advised that the above property is situated within the area presently supplied with piped water and will be connected to the Water Authority’s Public Water Supply system upon request by the owner.”

Chief Environmental Health Officer

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

1. The department is not satisfied with the location in terms of access. The proposed location of the entrance to this site will make it impossible for the garbage truck to access this facility. To do so the truck will have to enter the site against the proposed flow of traffic and this is not a satisfactory situation.

2. A revised location plan shall be submitted showing the access to the facility revised to the satisfaction of the department.

3. The enclosure shall be designed to comply with the department’s guidelines.”

National Roads Authority

“As per your memo dated October 12 2005, the NRA has reviewed the planning application for the redevelopment of the subject parcel. Please find below our
comments and recommendations.

**Road Capacity Issues**

Assuming a worst case traffic generation scenario, the proposed nine (9) multiple-family units' complex is reviewed in accordance to 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 West Bay is as follows:

<table>
<thead>
<tr>
<th>Expected Daily Trip</th>
<th>AM Peak Hour Total Traffic</th>
<th>AM Peak 16% In</th>
<th>AM Peak 84% Out</th>
<th>PM Peak Hour Total Traffic</th>
<th>PM Peak 67% In</th>
<th>PM Peak 33% Out</th>
</tr>
</thead>
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<tr>
<td>60</td>
<td>5</td>
<td>1</td>
<td>4</td>
<td>6</td>
<td>4</td>
<td>2</td>
</tr>
</tbody>
</table>

Based on these estimates, the impact of the proposed development onto the surrounding road network is considered to be minimal.

**Access and Traffic Management Issues**

The entrance driveway shall have radius curves of no less than fifteen (15) feet.

A six (6) foot sidewalk shall be constructed on Omega Drive within the property boundary to NRA standards.

The landscaping provided on the site plan near the driveway will impede site visibility. Please have applicant revise site plan accordingly or ensure that the proposed landscaping will include low shrubs.

**Stormwater Management Issues**

The applicant must demonstrate that the development's drainage systems can be self contained within the subject parcel. 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 must ensure that nearby roads or land parcels, are not subject to stormwater runoff from the subject site.

- The stormwater management plan shall include site grading 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 - details of impervious areas calculations should be included with the plan.

- The site appears to be a good storage site for stormwater runoff from surrounding properties and roadways. Therefore, the NRA requests that the CPA ask the applicant to provide some drains along the sidewalk in order to alleviate any flooding that may be caused by the loss of runoff storage.

- Construct a gentle 'hump' along the entire width of all driveways in order to prevent stormwater runoff from and onto Omega Drive.
- Roof water runoff should not drain freely over the parking area or unto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins in or near the parking lot. 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.”

**OBJECTIONS**

Letter #1

“I would like to point out that these lots i/n/o/ Cardinall DaCosta – Blk. 24B – Parcels B119 & B179 was purchased on the premise and understanding that all lots in this area are for single family dwellings and not for apartments/condos or villas. Hence I herewith beg to register my complaint against any other construction in this area as the land provides in proximity except single family dwellings, sundecks and boat docks.

We await your further instructions.”

Letter #2

“I was able to view these plans yesterday after receiving a notice they had been submitted to your offices.

The area already has numerous apartments approved and constructed and is becoming a transient populated area, not the type of area that low-density residential suggests. This density of building will cause traffic and parking congestion on Omega Drive, and I must object to this building proposal being approved in this residential area.”

**PLANNING DEPARTMENT ANALYSIS**

The applicant is requesting permission to construct an apartment complex consisting of 9 units located at the corner of Omega Drive, Prospect. The proposed apartments are two storeys in height and have a bedroom count of twenty.
The Department is satisfied with the applicant's proposal as the proposal has complied with requirements in regards to parking, setbacks, site coverage and most importantly the allowable density. However, the Department would like to bring the following to the attention of the Authority's.

The subject area is zoned Low Density Residential which allows a site coverage of 25 percent. The applicant is proposing a site coverage of 26.19 percent. Therefore the proposed is in direct contravention of Regulations 9 (8) (h).

Also, the Authority should be made aware of the objectors concern in regards to the traffic impact that the proposed apartment will generate, however, the National Roads Authority report has indicated that the impact will be kept to a minimal therefore the Department is of the opinion that the proposed apartments will not adversely affect the immediate area.

At 1:50 pm, Mr. Kent Rankin and Mr. Irvin Bennett appeared on behalf of the applicant. The objectors did not appear.

CPA They are being asked to consider 9 apartments and there is a concern with the site coverage and the number of bedrooms.

Mr. Bennett He did not know that there was a problem with the site coverage, he was only aware of the bedroom issue. He thought the site could hold 9, 2 bedroom apartments.

CPA So the site is allowed 18 apartments and they want 20.

Mr. Bennett They are seeking a variance for the number of bedrooms.

CPA Actually, the site is big enough for 15 bedrooms, so they are asking for 5 more. Asked if Mr. Rankin had anything to say.

Mr. Rankin Said he had nothing to say.

Mr. Bennett Said he could submit revised plans with the number of bedrooms reduced.

CPA Asked if the septic system is in the rear and if so could it be moved to the side or front to prevent leakage into the canal and to better facilitate a connection to any future piped sewerage system.

Mr. Bennett Stated that the side setbacks wouldn’t allow for that.

CPA If the number of bedrooms is reduced then they may have more space.

Mr. Bennett That is correct.

CPA Thanked them for appearing and noted that they would be advised of the decision.

The Authority considered the matter further and determined that the application did not comply with the maximum allowable number of bedrooms and that the applicant had not demonstrated that there were exceptional circumstances that would warrant approving the requested number of bedrooms. Accordingly, the Authority saw fit to adjourn the application and request the applicant to submit revised drawings showing a maximum of 9 apartments and 15 bedrooms.
Application for an eleven (11) lot subdivision.

**FACTS**

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<th>Location</th>
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</thead>
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<td>Zoning</td>
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<td>Parcel Size</td>
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<td>Proposed Use</td>
<td>Subdivision</td>
</tr>
<tr>
<td>Number of Lots</td>
<td>11</td>
</tr>
</tbody>
</table>

**BACKGROUND**

Planning permission was granted for a four lot subdivision but was never materialized.

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

1) Prior to commencing any site works or clearing, the applicant shall submit:
   a) a master plan for the future subdivision of the site; and
   b) a revised plan showing the ‘T’ turnaround replaced with a cul-de-sac which abuts the westerly property line.

2) The applicant shall submit a stormwater management plan for the subject lands which shows how surface run-off will be self-contained within the subject parcel

3) The access road (s) abutting the proposed lots shall have a minimum of a 30' demarcated road parcel and shall be constructed with asphaltic concrete and approved by the Director of Planning prior to the lots being registered. The applicant shall liaise with the Director, National Roads Authority, at predetermined stages of road construction to ensure compliance with the requisite standards. Failure to do so may render the project unacceptable.

4) The subdivision's road base shall be constructed to NRA minimum design and construction specifications for subdivision roads - this includes elevations, minimum longitudinal slopes and minimum cross fall of minus 2 percent from the centre line to the shoulder and drainage wells. The NRA shall inspect and certify the road base construction prior to HMA surfacing activities.

5) The applicant shall provide water infrastructure for the entire sub-division. The applicant shall submit plans for the water supply system for approval by
the Water Authority. The water supply system shall be installed to the Water Authority's specifications, under the Water Authority's supervision. Copies of these specifications are available at the Water Authority's office on Red Gate Road.

6) The applicant shall request to have the sub-division connected to the Water Authority's public water system. This request will be acted upon after the pipelines on the sub-division have been installed in accordance with the WAC specifications and have passed all specified tests.

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

AGENCY COMMENTS
Comments from the Water Authority are noted below.

Water Authority

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

- The developer shall provide water infrastructure for the entire sub-division. The developer shall submit plans for the water supply system for approval by the Water Authority. The water supply system shall be installed to the Authority's specifications, under the Authority's supervision. Copies of these specifications are available at the Water Authority's office on Red Gate Road.

- The developer shall request to have the sub-division connected to the Water Authority's public water system. This request will be acted upon after the pipelines on the sub-division have been installed in accordance with the WAC specifications and have passed all specified tests.”

PLANNING DEPARTMENT ANALYSIS

On October 11, 2000, planning permission was granted to the applicant to create a four lot subdivision, but this was never finalized. The applicant is now reapplying to subdivide the parcel creating an eleven lot subdivision with lots ranging from 12,930 square feet to a maximum of 42,870 square feet.

Despite the above, the Department would like to point out some concerns to the Authority. The Department is concerned with how 'continuity' will be achieved with the adjoining property (43A-11REM1) west of the subdivision. The proposed lot 'J' shows a T-junction serving lots 'A', 'B' and 'C', however, the Department would recommend that a round-a-bout be provided as it would make provision for future development and continuation and of equal importance a connection to Bodden Town Road. Regulation 25 (g) also speaks of continuation from principal roads to adjoining property which maybe necessary for provision of utilities.

Secondly, the Department would like for the applicant to provide a master plan to ensure that a proper design solution for the subdivision is achieved and also to
ensure corridors for both human and vehicular connection is provided. Of equal importance, the master plan would allow the Department to be objective in regards to providing a variety of parcels that will accommodate the different types of development such as single family residence, duplexes and apartments. By doing this, it will benefit both the purchaser and the Department and will eliminate applicants requesting variances for breaching the Planning Regulations in regards to lot sizes. Also the master plan will identify the location of the LPP parcel which should have been shown as the proposed subdivision currently exceeds six lots. The location of the LPP is critical for a subdivision of the size in order to ensure that a central location is provided that will enhance or perhaps become a focal point of the subdivision which is the first step towards a 'planned' community.

2. 11 BLUE SKY WIRELESS Block 19E Parcel 131 (F05-0459) (P05-1187) (P05-1189) (P05-1188) ($85,000) (BES)

Application for 250’ antenna, fence and storage shelter.

Appearance at 3:10 pm.

Mr. Darrell Ebanks and Mr. Owen Rankine declared conflicts and left the meeting room.

FACTS

<table>
<thead>
<tr>
<th>Location</th>
<th>Commercial Avenue, off Northsound Road, George Town</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>LI</td>
</tr>
<tr>
<td>Notice Requirements</td>
<td>No Objectors</td>
</tr>
<tr>
<td>Building Size</td>
<td>480 sq. ft.</td>
</tr>
</tbody>
</table>

**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 applicant shall submit a landscape plan which shall be subject to review and approval by the Director of Planning.

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 which you will receive when all of the above conditions are complied with.
4) The tower shall comply with the Aerial Spraying Protection Law (1974 Revision), specifically section 3 therein regarding illumination.

5) The tower shall be free-standing and comply with ICAO provisions for aircraft safety, including, but not limited to, the requirements for safety banding (red & white or orange & white).

AGENCY COMMENTS
Comments from the Civil Aviation and Chief Environmental Health Officer are noted below.

Cayman Islands Airport Authority

“I refer to your letter dated October 27, 2005, regarding the application from Blue Sky Wireless for the above antenna. The Cayman Islands Airport Authority (CIAA) has no objections to the installation of a mast on the proposed site. In order to comply with applicable regulatory requirements regarding the safeguarding of airport obstacle slope, the applicant must provide the CIAA with WGS84 co-ordinates for the precise location of the antenna, so that it can be added to the airport obstacle data base.

The proposed antenna must comply with the lighting and marking requirements of the attached International Civil Aviation Organization Annex 14 chapter 6.

Also please see attach UK CAP 738 Safeguarding of Aerodromes, which is used by the CIAA for safeguarding airport obstacle slope for your perusal.

Please be advised the CIAA is now responsible for safeguarding airport obstacle slope within the Cayman Islands and my office is the point of contact for dealing with proposals of this nature.”

Chief Environmental Health Officer

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

1. The Department has no objections to the following proposal.”

PLANNING DEPARTMENT ANALYSIS

The applicant is requesting planning permission for four separate components, which forms a cellular phone utility compound. The first component is an antenna mast (250’) and setback 6’ and 10’ from the boundaries. The second is a storage shelter to contain the equipment. The third is a generator pad. The last component is a six ft (6’) high-galvanized chain link fence enclosure around the antenna mast and utility building.

The Department must seriously question the need for such a tall tower as the applicant has not provided any justification.

The applicant has not indicated whether or not the proposed tower will be shared with other communication service providers. It should be pointed out that the Department has not received the ICTA comments and MRCU regarding the proposed antenna. For the Authority’s information, an application for 117’ high
antenna at the Mirco Shopping Center was granted planning permission on April 6, 2005.

At 3:10 pm. Mr. Gene Thompson appeared on behalf of the applicant.

CPA Asked Mr. Thompson to address the need for a 250’ tall tower and the type of containers being proposed.

Mr. Thompson The containers are the same as those used by ATT and Cingular – they are special containers made for that purpose.

CPA The containers are proposed to be raised 5’ above ground, is this sufficient.

Mr. Thompson Yes.

CPA Asked him to address the height of the tower.

Mr. Thompson They have been given a licence as a full wireless service provider. This will be their hub or aggregation point. Also, they want to accommodate the Heaven 97 radio station who currently co-locates on the Weststar tower.

CPA Asked if they will only need one tower like this.

Mr. Thompson Yes, this is their hub. There will be co-sharing of other 100’ towers to provide the service. If they were not trying to accommodate Heaven 97 then the tower would probably be 170’ in height.

CPA Thanked him for appearing and noted that he would be advised of the decision.

2. 12 CARLUS KELLY Block 14C Parcel 221 (F03-0204) (P05-1228) ($5,000) (DE)

Application for a tent for a temporary car wash.

FACTS

Location Off Artco Drive, George Town
Zoning G COM
Notice Requirements No Objectors
Existing Use Vacant
Proposed Use Tent for car wash
Parcel Size 0.4306 ac (18,757 sq. ft.)
Building Size 200 sq. ft.
Parking 10

Decision: It was resolved to grant planning permission for 12 months only, subject to the following condition:
1) Unless specifically authorized otherwise in writing by the Planning Department, the development shall be carried out strictly in accordance with the approved plans.

**PLANNING DEPARTMENT ANALYSIS**

The applicant is requesting permission to place a canopy on parcel 221 which is located on Artco Drive off Shedden Road. The canopy is a very sturdy unit with a 2" galvanized frame and a 1 year white cover. It also comes with metal foot pads to protect the surface that it is placed on. It weights: 201 pound. The canopy will be used to wash cars under on a daily basis. The proposed site is zoned General Commercial which is the preferred zoning for this type of use.

The Department would also like to point out that this use is compatible with the surrounding land uses which include a bar, two (2) restaurants, an insurance company and numerous offices / retail uses within the Artco Center, a gas station "Texaco" with an auto garage and carwash at the rear of the gas station which will blend in with the surrounding developments and usage in the area.

<table>
<thead>
<tr>
<th>2. 13</th>
<th>MICHAEL GODFREY Block 20B Parcel 377 (F04-0198) (P05-1239) ($300,000) (DE)</th>
</tr>
</thead>
</table>

Application for a warehouse.

**FACTS**

<table>
<thead>
<tr>
<th><strong>Location</strong></th>
<th>Off Industrial Way, North Sound Road next to Roper Wholesale Oulet</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning</strong></td>
<td>LI</td>
</tr>
<tr>
<td><strong>Notice Requirements</strong></td>
<td>No Objectors</td>
</tr>
<tr>
<td><strong>Advertisements</strong></td>
<td>NA</td>
</tr>
<tr>
<td><strong>Parcel Size</strong></td>
<td>.6859 acres</td>
</tr>
<tr>
<td><strong>Current Use</strong></td>
<td>Warehouses</td>
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<tr>
<td><strong>Proposed Use</strong></td>
<td>Warehouse</td>
</tr>
<tr>
<td><strong>Building Size</strong></td>
<td>4,114 sq. ft.</td>
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<tr>
<td><strong>Existing Parking</strong></td>
<td>20</td>
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<tr>
<td><strong>Proposed Handicapped Spaces</strong></td>
<td>2</td>
</tr>
<tr>
<td><strong>Proposed Parking</strong></td>
<td>33</td>
</tr>
<tr>
<td><strong>Required Handicapped Spaces</strong></td>
<td>2</td>
</tr>
<tr>
<td><strong>Required Parking</strong></td>
<td>33</td>
</tr>
</tbody>
</table>

**BACKGROUND**

September 6, 1995 (CPA/27/95) The Authority granted permission for a
Greenhouse.

April 15, 1998 (CPA/09/98; item 6.06) Planning permission was granted for a proposed addition to existing greenhouse.

June 2, 2004 (CPA/11/04: Item 2.14) Planning permission was granted for a proposed Industrial building (Wholesale Distribution and Retail).

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

In addition to Building Permit requirements, conditions (1-3) listed below shall be met before a Building Permit can be issued.

1) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating the location of material storage and parking during the construction phase.

2) The applicant shall submit, in accordance with the requirements of the National Roads Authority, a Stormwater Management plan designed to contain storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties that are lower, and/or surrounding roads, are not subject to stormwater runoff from the subject site. The plan shall include provisions for controlling roof runoff.

3) The applicant shall submit a landscape plan which shall be subject to review and approval by the Director of Planning.

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

5) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans which you will receive when all of the above conditions are complied with.

Additionally, once construction has started, conditions (6-11) shall be complied with before a final Certificate of Occupancy can be issued.

6) The applicant shall provide a sewage treatment facility in accordance with the requirements of the Water Authority.

7) The parking lot and driveway aisles surfaced with asphaltic concrete or equivalent and tire stops provided for each parking space which shall be striped.

8) The approved stormwater management system shall be installed on site.

9) Construct a gentle 'hump' at the entrance (along the entire width of the driveway) in order to prevent stormwater runoff from and onto South Church Street.
10) Curbing is required for the driveway and parking areas to control stormwater runoff.

11) At a minimum, the applicant shall provide 1 drain well per every 4,500 square feet of impervious surface area, which is the combined square footage for sidewalks, parking areas and roof area. Stormwater drains shall be located in the parking lot and driveway with parking areas sloped towards the drains. The minimum recommended specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in width.

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

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

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

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

To prevent potential delays and save money, the applicant may wish to coordinate with the following agencies prior to commencing any construction: Caribbean Utilities Company, Cable & Wireless and the Cayman Water Company and/or the Water Authority - Cayman.

**AGENCY COMMENTS**

Comments from the National Roads Authority are noted below.

**National Roads Authority**

“As per your memo dated November 3rd, 2005 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided and on previously submitted comments submitted on May 20th, 2004.

**Access and Traffic Management Issues**

The new main driveway that straddles the property lines of parcels 20B337 and 20B338 should be a minimum of twenty-two (22) ft wide as it becomes a two-way access towards the new parking area. The curbing at the entrance of this parking area shall have no less than fifteen (15) ft radius curves to ensure sufficient manoeuvrability of vehicles into the parking area.

Provide striping and curb block for parking stalls. Additionally, clearly marked entry and exit signs at the entrance as well as with pavement markings are required.

**Stormwater Management Issues**

The applicant is encouraged to implement state-of-the-art techniques that manage
stormwater runoff within the subject parcel and retain existing drainage characteristics of the site as much as is feasible through innovative design and use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is no worst than pre-development runoff. To that effect, the following requirements should be observed:

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace stormwater 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.

- Should the applicant elect to address site’s drainage conveyance system by vertical wells, please provide 1 well per every 4,500 square feet of impervious surface area, which is the combined square footage for sidewalks, parking areas and roof area. Stormwater drains shall be located in the parking lot and soft landscaped areas with parking areas sloped towards the drains. The minimum specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in diameter.

- 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’ (entrance/exit ramp) at both the entrance and the two-way driveway in order to prevent stormwater runoff from and onto Industrial Way.

- Curbing is required for the new parking areas to control stormwater runoff.

- Roof water runoff should not drain freely over the parking area or unto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins in or near the parking lot. 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**

The applicant is proposing a two (2) storey warehouse complex with four (4) units located in this development.

The Department would like to point out that the current property is used as warehouses for commercial and industrial businesses such as Massive Equipment and ACE Paints.

However, the existing parking lot does not function properly as shown on the site plan. The Department is recommending that the applicant remove the existing parking lot entrance nearest to ACE Painting, in and out driveway with a double or single exit and a strip of landscaping down the centre for the existing development and proposal which would make the traffic flow in the immediate complexes flow more better than the existing traffic flow. And, relocate existing parking lot at the front to the rear of the property of 20B 338 near to the store for industrial/commercial supplies.

The Department conducted a review of the functionality of the entire site and recommends that additional marking and striping be done to existing parking areas, the construction of additional driveway connections and the installation of additional drainage wells.

The Department has requested in previous application also that a privacy fence be added to the existing fence so as to screen these activities from the neighboring use on 20B 393, and 20B 283. To date this privacy fence has not been installed. As similar storage is being carried out on the PWD compound the Department saw no need to require screening on that portion of fence. The owner has been made aware of this request and has consented to the installation of the privacy fence. The Department would also encourage that the existing fence on western boundary of 20B 338 around the area used for equipment storage, also be required to have a privacy screen erected. The Department respectfully requests that consideration be given by the Authority to the incorporation of this item as a condition of planning approval.

**Parking**

Presently the applicant has proposed 12 parking spaces to be constructed to the rear of 20B 337. This is contrary to the Development and Planning Regulations (R2003) which only provides for offsite parking in the OPY block. In previous, applications the applicant has proposed to combine all three existing parcels in order to share the existing and proposed parking amongst the existing and proposed development (See applicant's letter). This would alleviate Department concerns regarding the proposed parking being shown on 20B 337. However, the applicant has indicated in previous application (July 14, 2004 CPA/15/04 Item 2.14) which states

"Further to re-submitting a revised plan for the above development, this letter is to advise that parcels 20B 377 and lot 20B 338 cannot be combined at this time,
as each parcel has separate financial commitments.

I therefore request for the removal of condition 2) as functional on-site parking has now been shown on the revised for parcel 377.

I trust that the information provided will be adequate for the approval of this request."

Considering all development on the site the following parking scenario would be required on site:

1. **Required Parking** -
   - 3,305 existing/ 1000 = 4 spaces
   - 12,960 existing (approved at 2 spaces) = 2 spaces.
   - 5090 existing / 500 = 10 spaces.
   - 7720 existing / 1000 = 8 spaces
   - 4114 proposed/500 = 8 spaces
   
   **Total Required Parking = 32 spaces**

2. **Proposed Parking- 33 spaces (2 Handicapped).**

As proposed the development would provide 8 spaces more than required.

The Department supports this request on the condition that if the CPA is inclined to grant planning permission, the Department respectfully requests that it be done conditioned on all parcels (20B 377, 337 & 338) maintain the registered be 15 ft. VROW over 20B 338 and a 15 ft. VROW over 20B 337 before the issuance of a Certificate of Occupancy (CO).

**Photo evidence**
Application for a duplex and swimming pool.

**Mr. Attlee Bodden declared a conflict and left the meeting room.**

**FACTS**

**Location**

Off West Bay Road onto Snug Harbor Road at the junction of Andrew Drive and Stewart
**Zoning**
LDR

**Parcel Size**
.2777 acres

**Current Use**
Vacant Land

**Proposed Use**
Duplex And Pool

**Building Size**
4,288 sq. ft.

**Density**
2

**Allowable Density**
2

**Footprint**
2,144 sq. ft.

**Building Coverage**
18%

**Proposed Parking**
4

**Required Parking**
4

**Number of Units**
2

**BACKGROUND**

October 15, 2003 (CPA/29/03; item 3.14) The Authority granted planning permission for a duplex (3x3) and 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 Planning Department, the development shall be carried out strictly in accordance with the approved plans, which you will receive when the above condition is complied with.

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

3) The driveway and parking spaces shall be surfaced with asphaltic concrete or equivalent.

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

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

**LETTER OF VARIANCE**
"We have recently submitted an application to develop the above-mentioned site with a duplex. However and as noted on the land registry title, the proposed site is registered at just over 12,096 square feet where regulations require a lot size area of at least 13,500 square feet.

In accordance with Section 8 (13) of the Development and Planning Regulations (2003 Revision) where an applicant is given the chance to provide sufficient reason for permission to be granted for a variance, we offer the following:

a) The subdivision (Snug Harbour) was designed many years ago with mostly undersized lots in accordance with current regulations for Low Density Residential. (These lots sizes do not even meet regulations for minimum single family dwelling units.)

b) Many similar lots in size have already been developed with multi-family dwelling (both duplexes and apartments) including three previous duplex developments on the same size parcels using this same design.

c) There is already a large precedence of multi-family dwellings in the subdivision as a whole.

d) The development of multi-family development in this subdivision has not seemed to have adversely affected the traffic flow in this area since it has more than one main access to the West Bay Road.

We hereby respectfully request a variance of 1,402 square feet on the lot acreage in order to construct the proposed duplex.

Thank you for your time in reviewing this matter and we look forward to your favourable response."

**PLANNING DEPARTMENT ANALYSIS**

The applicant is requesting planning permission to construct a duplex (3x3) and swimming pool located off West Bay Road into the Snug Harbor subdivision at the junction of Andrew Drive and Stewart Lane.

The Department would like to point out that the proposed duplex does not meet the lot size requirements for the LDR zone. In accordance with Regulation 9 (8) (e) of the Development and Planning Regulations (2003 Revisions), the minimum lot size for duplexes is 13,500 sq. ft., the subject parcel is 12,096 sq. ft.. The proposal has met all of the additional requirements such as setbacks, parking and site coverage requirements for the LDR zone.

The Authority is reminded of Regulations 7 (8) notwithstanding sub-regulation (1), Regulation 8 (6), (7) and (8) and Regulation 9, the Authority may grant permission to carry out development that does not comply with all or any of the provision if the Authority is satisfied:

(i) That an exceptional circumstance exists, and

(ii) That there is a sufficient reason why the permission should be granted.
Application for a duplex and swimming pool.

Mr. Attlee Bodden declared a conflict and left the meeting room.

FACTS

Location
Off West Bay Road onto Snug Harbor Road
at the junction of Andrew Drive and Victoria Lane

Zoning
LDR

Parcel Size
0.2777 acres (12,096.6 sq. ft.)

Site Coverage
18%

Building Size
4,288 sq. ft.

Footprint
2,144 sq. ft.

Parking Required
1.5

Parking Proposed
4

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

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

2) Unless specifically authorized otherwise in writing by the Planning Department, the development shall be carried out strictly in accordance with the approved plans, which you will receive when the above condition is complied with.

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

3) The driveway and parking spaces shall be surfaced with asphaltic concrete or equivalent.

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

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

LETTER OF VARIANCE

“We have recently submitted an application to develop the above-mentioned site
with a duplex. However and as noted on the land registry title, the proposed site is registered at just over 12,096 square feet where regulations require a lot size area of at least 13,500 square feet.

In accordance with Section 8 (13) of the Development and Planning Regulations (2003 Revision) where an applicant is given the chance to provide sufficient reason for permission to be granted for a variance, we offer the following:

a) The subdivision (Snug Harbour) was designed many years ago with mostly undersized lots in accordance with current regulations for Low Density Residential. (These lots sizes do not even meet regulations for minimum single family dwelling units.)

b) Many similar lots in size have already been developed with multi-family dwelling (both duplexes and apartments) including three previous duplex developments on the same size parcels using the same design.

c) There is already a large precedence of multi-family dwellings in the subdivision as a whole.

d) The development of multi-family development in this subdivision has not seemed to have adversely affected the traffic flow in this area since it has more than one main access to the West Bay Road.

We hereby respectfully request a variance of 1,402 square feet on the lot acreage in order to construct the proposed duplex.

Thank you for your time in reviewing this matter and we look forward to your favourable response.”

PLANNING DEPARTMENT ANALYSIS

The applicant is requesting planning permission to construct a duplex (3x3) and Swimming pool located off West Bay Road into the Snug Harbor subdivision at the junction of Andrew Drive and Victoria Lane

The Department would like to point out that the proposed duplex does not meet the lot size requirements for the LDR zone. In accordance with Regulation 9 (8) (e) of the Development and Planning Regulations (2003 Revisions), the minimum lot size for duplexes is 13,500 sq. ft., the subject parcel is 12,096 sq. ft. The proposal has met all of the additional requirements such as setbacks, parking and site coverage requirements for the LDR zone.

The Authority is reminded of Regulations 7 (8) notwithstanding sub-regulation (1), Regulation 8 (6), (7) and (8) and Regulation 9, the Authority may grant permission to carry out development that does not comply with all or any of the provision if the Authority is satisfied:

(i) That an exceptional circumstance exists, and

(ii) That there is a sufficient reason why the permission should be granted.

2. 16 DALKEITH E. BOTHWELL Block 5C Parcel 292 (F97-0002) (F00-221) (P05-1270) ($2,500) (DE)
Application for a three (3) lot subdivision.

Mr. Dalkeith Bothwell declared a conflict and left the meeting room. Mr. Attlee Bodden sat as Acting Chairman for this item.

FACTS

Location Off West Bay Road onto Cement Road
Zoning LDR
Notice Requirements No Objectors
Number of Lots 5

BACKGROUND

The Department cannot locate the main subdivision file (002/97) for this application.

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

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

LETTER FROM THE APPLICANT

“I am seeking approval to combine parcels 313, 318 and 319, then re-subdivide these three parcels to create three new lots shown on the attached map as Lots A, B, & C. Lots A & C being 13,500 sq. ft. each, Lot B being 9,980 sq. ft. and proposed as LPP.

On the original approval subdivision, parcel 292 was approved as LPP.

I am proposing to subdivide this parcel into two lots, Lots D & E. Lot D being 12,500 sq. ft. and Lot E being 9,610 proposed as LPP. The reason for this application is due to the hardship in not being able to sell properties 313 & 318. The size and shape of parcels 313 & 318 in particular the depth on the North Side of parcel 318 makes it difficult to conform to building requirement setbacks.

The new re-configuration of parcels 313 & 318 would allow better use of the land while providing a parcel for LPP that could be sold in the future, to Lot A or B and the funds going to government, if they so chose. The remaining LPP shown as Lot E would remain as part of the Development. This area is currently used to provide landscaping, lights and water facilities at the main entrance of the development.

I would also like to advise that this development more than adequately has enough LPP in one common area in Phase III which comprise 27,900 sq. ft. on a lake front lot. See attached map.

Please forward my comments to the C.P.A. indicating why changes to the LPP on
parcel 292 are necessary.

I look forward to receiving your favourable response. However, if I can of any further assistance please do not hesitate to give me a call.”

PLANNING DEPARTMENT ANALYSIS

The applicant is requesting permission to combine Block 5C parcel 313, 318, and part of 319 into one (1) parcel then re-subdivide that parcel into three (3) new parcels. Lot A & C parcels will be approximately 13,500 square feet and Lot B will be approximately 9,980 square feet which will be reserved for Land for Public Purpose.

In addition the applicant would like to subdivide Block 5C Parcel 292 into two (2) parcels making Lot D also a house or duplex lot. Lot E will be approximately 8,250 square feet which will be reserved for Land for Public Purpose.

2.17 T.M. LTD Block 14BH Parcel 20 (FA88-0225) (P05-1289) ($15,000) (DE)

Application for a six (6) feet high chain link fence.

FACTS

<table>
<thead>
<tr>
<th>Location</th>
<th>Off Elgin Avenue opposite Central Police Station</th>
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</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>G COM</td>
</tr>
<tr>
<td>Existing Use</td>
<td>Vacant with little vegetation and flooded hurricane car</td>
</tr>
<tr>
<td>Proposed Use</td>
<td>Fence</td>
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<tr>
<td>Parcel Size</td>
<td>0.35 acres</td>
</tr>
<tr>
<td>Minimum Required</td>
<td>4 Feet High</td>
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Decision: It was resolved to grant planning permission, subject to the following conditions:

1) The applicant shall submit revised drawings showing the fence setback 6 feet from the road and with a maximum height of 4 feet.

2) Unless specifically authorized otherwise in writing by the Planning Department, the development shall be carried out strictly in accordance with the approved plans, which you will receive when the above condition is complied with.

PLANNING DEPARTMENT ANALYSIS

The applicant is requesting planning permission to construct a six (6') feet high chain link fence around/along the property boundary of the subject parcel.
The Department would like to point out that the proposed six (6') feet fence meets all the requirement for General Commercial zoning in accordance with the Development and Planning Regulations (2003 Revisions) Section 13.

However, the Department is concerned whether the applicant will remove the flooded vehicles from the subject parcel before or after the site is fenced. The site is currently in a dilapidated condition which affects the safety of those residents and visitors who travel into that area on a daily basis. The Department recommends once approval has been obtained the applicant shall take the necessary corrective actions to have the property restored to its natural condition before the vehicles were placed on the property.

2. 18 DANNY & LOREN CATT Block 9A Parcel 583 (F00-0137) (P05-1347) ($7,500) (DE)

Application for an after-the-fact cabana.

FACTS
Location Uncle Bob Road, West Bay
Zoning LDR
Parcel Size .4000 acres
Current Use Pool & House
Proposed Use Cabana
Building Size 546 sq. ft.
Footprint 546 sq. ft.
Building Coverage 6%
Proposed Parking 1

BACKGROUND
April 26, 2000 - Administrative approval granted for a house.
July 23, 2003 - The Authority adjourned the swimming pool application.
August 6, 2003 - The Authority granted planning permission for swimming pool.

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

PLANNING DEPARTMENT ANALYSIS
The applicant is requesting planning permission to build a concrete cabana at the rear of the property next to the swimming pool. In this instance, the Department has only one concern with this application. The rear setback is 15' from the foundation to property boundary and existing sea-wall respectively. In
accordance with Regulations 8-(10) (b) (2003 Revision) of the Development and Planning Regulation, in areas where the shoreline is beach or mangroves (except in a Hotel/ Tourism zone), all structures and buildings, including ancillary buildings, shall be setback a minimum of seventy-five feet from the high water mark.

Also, in accordance with Regulations 8-(10) (c) (2003 Revision), in areas where the shoreline is ironshore (except in a Hotel/ Tourism zone), all structures and buildings, including ancillary buildings, shall be setback a minimum of fifty feet from the high water mark.

It brought to the Department’s attention that the applicant did not construct the approved/existing swimming pool according to approved plans dated August 21, 2003 (CPA/21/03; item 2.02). The existing swimming pool is setback approximately two feet from the property line (the North Sound shoreline). The permitted encroachment of a deck or patio into a setback does not apply to seaside setback with exception of canal lots. All other seaside setbacks including decks and patios must conform to required setbacks or be approved for a variance by the CPA.

The Department would like to point out the Authority that the applicant also started constructing a foundation for a trellis carport at the side of the existing house without the Authority’s permission. The Department has advised the applicant to cease all work on both the cabana and trellis carport until the Authority makes a decision on the application.

The Department reminds the CPA of Regulations 7 (8) notwithstanding subregulation (1), Regulation 8 (6), (7) and Regulation 9, the Authority may grant permission to carry out development that does not comply with all or any of the provisions if the Authority is satisfied:

a) That an exceptional circumstance exists, and

b) That there is a sufficient reason why the permission should be granted.

**Photo Evidence**

![Foundation/Walls of Cabana](image-url)
Application for six (6) apartments.

**FACTS**

<table>
<thead>
<tr>
<th>Location</th>
<th>Elm Cl, Off West Church St. West Bay</th>
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<tbody>
<tr>
<td>Zoning</td>
<td>HDR</td>
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<tr>
<td>Notice Requirements</td>
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<tr>
<td>Parcel Size</td>
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<td>Total Site Coverage</td>
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<td>Proposed Parking</td>
<td>9</td>
</tr>
</tbody>
</table>
Required Handicapped Spaces 1
Required Parking 9
Number of Units 6

BACKGROUND
September 14, 2005 (CPA/21/05; item 2.3) the application was adjourned.
November 1, 2005 (CPA/27/05; item 2.12) the application was adjourned.

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

In addition to Building Permit requirements, conditions (1-4) listed below shall be met before a Building Permit can be issued.

1) The applicant shall submit a copy of the submission made to the Registrar of Lands to secure a minimum 30’ wide vehicular right-of-way over Block 4E Parcel 277 in favour of Block 4D Parcel 652.

2) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating the location of material storage and parking during the construction phase.

3) The applicant shall submit, in accordance with the requirements of the National Roads Authority, a Stormwater Management plan designed to contain storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties that are lower, and/or surrounding roads, are not subject to stormwater runoff from the subject site. The plan shall include provisions for controlling rooftop runoff.

4) The applicant shall submit a landscape plan which shall be subject to review and approval by the Director of Planning.

5) 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.

6) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans which you will receive when all of the above conditions are complied with.

Additionally, once construction has started, conditions (7-15) shall be complied with before a final Certificate of Occupancy can be issued.

7) The vehicular right-of-way required in condition 1) above shall be registered.

8) The applicant shall provide a septic tank with a capacity of at least 1,500 US gallons. The septic tank shall be constructed in strict accordance with the Water Authority's standards.

9) The effluent from the septic tank shall be discharged into a disposal well. The
disposal well shall be constructed in strict accordance with the Water Authority's standards. The discharge pipe from the septic tank shall enter the disposal well at a height of at least two feet above the water table level in the well.

10) Any floor drains in the store rooms area shall be plumbed to an oil/sand separator prior to discharging into the septic tank or disposal well. If there are plans to install floor drains, the applicant shall contact the Water Authority for a determination of the required size of separator and requirements and recommendations relating to the handling and disposal of wastes removed from the separator, as well as any other liquid industrial wastes generated.

11) A six-foot wide concrete sidewalk along the roadside property lines, and a 4 feet minimum in width landscape strip along the inside edge of the sidewalk. Construction of the sidewalk, drain and driveway shall be to the satisfaction of the Director of Planning in consultation with the National Roads Authority.

12) The parking lot and driveway aisles surfaced with asphaltic concrete or equivalent and tire stops provided for each parking space which shall be striped.

13) The approved stormwater management system shall be installed on site.

14) Construct a gentle 'hump' at the entrance (along the entire width of the driveway) in order to prevent stormwater runoff from and onto South Church Street.

15) Curbing is required for the driveway and parking areas to control stormwater runoff.

16) At a minimum, the applicant shall provide 1 drain well per every 4,500 square feet of impervious surface area, which is the combined square footage for sidewalks, parking areas and roof area. Stormwater drains shall be located in the parking lot and driveway with parking areas sloped towards the drains. The minimum recommended specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in width.

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

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

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

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

To prevent potential delays and save money, the applicant may wish to coordinate with the following agencies prior to commencing any construction: Caribbean
AGENCY COMMENTS
Comments from the Chief Environmental Health Officer, National Roads Authority and Water Authority are noted below.

Chief Environmental Health Officer
“The following comments are submitted with respect to the above application:
1. A maximum of eight (8) thirty-two gallon bins shall be provided for this development
2. A minimum dimension of 2 feet 6 inches by 2 feet 6 inches should be provided for each bin required.
3. Enclosures should be made of durable and easily cleaned materials.
4. Where enclosures are made with concrete bases the floor should have a minimum slope of 1/4 in to a foot and be provided with a drain to an approved disposal system.
5. Where enclosures are made of wood or other durable material, the bottom of the enclosure should be a minimum of 6 in from the ground. The members should be space not less than ¼ inches and not more than 1 inch apart.
6. Enclosures should be fixed securely to ensure that they could not be overturned under the weight of a child.
7. Where no door is provided for the enclosure the height of the enclosure should not be more than 3 feet.
8. Enclosures should be located as close as practicable to the curb.
9. Enclosures should be easily accessible for collection.
10. Enclosures should not obstruct the flow of traffic or restrict the view of traffic.”

National Roads Authority
“As per your memo dated May 27th, 2005 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations.

Access and Traffic Management Issues
Driveway aisles shall be a minimum of twenty-two ft wide with entrance and exit curves having no less than fifteen (15) feet radius curves. The access road to the above parcel needs to be at a minimum of twenty-two (22) feet. Please have applicant revise.

The parking as designed is not functional as there is not sufficient space for vehicles to reverse. Please have applicant revise. Perpendicular parking stalls
shall be set at a minimum design standard of 8' by 16' with curbing blocks and adequate reversing space of 22'. Diagonal parking stalls shall be set at a minimum design standard of 8' by 16' with adequate reversing space of 16'.

**Stormwater Management Issues**

The applicant must demonstrate that the development's drainage systems can be self contained within the subject parcel. To that effect, the following requirements should be observed:

- Provide 1 well per every 4,500 square feet of impervious surface area, which is the combined square footage for sidewalks, parking areas and roof area. Stormwater drains shall be located in the parking lot and driveway with parking areas sloped towards the drains. The minimum recommended specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in width.

- Construct a gentle 'hump' at the entrance (along the entire width of the driveway) in order to prevent stormwater runoff from and onto private roadway.

- Curbing is required for the parking areas to control stormwater runoff.

- Roof water runoff should not drain freely over the parking area or unto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins in or near the parking lot. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads (Amendment) Law, 2004 (Law 11 of 2004). For the purpose of this Law, Section 16(g) defines encroachment on a road as

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

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

**Water Authority**

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

- The developer shall provide a septic tank with a capacity of at least 2,000 US gallons. The septic tank shall be constructed in strict accordance with the
Authority's standards.

- The effluent from the septic tank shall be discharged into a disposal well. The disposal well shall be constructed in strict accordance with the Authority's standards. The discharge pipe from the septic tank shall enter the disposal well at a height of at least two feet above the water table level in the well.

Please be advised that this development is situated within the Cayman Water Company's water supply area. The developer shall contact Cayman Water Company's Customer Service regarding connection to their system.

LETTER OF VARIANCE

“To facilitate the parking at the front of the proposed building at West Bay, N.W. Block 4E Parcel 652, the setback of (15’) fifteen feet, from the rear of the proposed building to the property line, could be considered legal.

Thanks.”

PLANNING DEPARTMENT ANALYSIS

The applicant is seeking planning permission to construction a building consisting of six (6) 1-bedroom apartments. The Department has the following concerns:

Suitability

There is no specific lot size requirement for apartment development within High Density Residential Zone, and the proposed number of apartments is in accordance with Regulation 9(6)(c). The Department would like to note that the road leading to the subject parcel is 22ft wide.

Setbacks

In accordance with Regulation 9(6)(h) the rear setback shall be 20ft; the applicant is proposing 15ft setback from the rear of the building and is seeking a setback variance. The Department would like to point out that the applicant was asked to adjust the site plan to make the parking area functional and as a result the rear setback could not be achieved.

SUPPLEMENTARY ANALYSIS

At the meeting held on September 14, 2005, the subject planning application was adjourned to invite in the applicant. Subsequently the applicant appeared before the Central Planning Authority at the meeting held on November 1, 2005. Again the application was adjourned for the applicant to submit a revised site plan showing paved access to the site.

The applicant revised the site plan and the access has changed from previous plans. The applicant is proposing access leading from Powell Smith Rd via Block 4E Parcel 277 as per boundary plan -BP353, creating a right of way moving in a northerly direction along the eastern boundary of Block 4E Parcel 277 leading to the subject parcel. The applicant has indicated that he owns Block 4E Parcel 277 and will provide the 22ft wide right of way. Hence the revised site plan is before the Authority for determination.
The Department has no further concerns with the proposal.

2. 20 ALLAN MYLES Block 14C Parcel 119 (FA84-0078) (P05-0785) ($560,586) (CH)

Application for a 2-storey office building.

**Appearance at 1:20**

**FACTS**

- **Location**: Shedden Road next to Jacques Scott
- **Zoning**: G COM
- **Notice Requirements**: No Objectors
- **Advertisements**: NA
- **Parcel Size**: 17,424 sq. ft.
- **Current Use**: Dwelling House
- **Proposed Use**: Office
- **Building Size**: 4,438 sq. ft.
- **Building Coverage**: 27%
- **Parking Coverage**: 30%
- **Total Site Coverage**: 57%
- **Proposed Handicapped Spaces**: 2
- **Proposed Parking**: 10
- **Required Handicapped Spaces**: 1
- **Required Parking**: 15

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

In addition to Building Permit requirements, conditions (1-4) listed below shall be met before a Building Permit can be issued.

1) The applicant shall submit a revised site plan showing the parking layout redesigned to acquire additional parking spaces. The applicant is directed to liaise with the Department in this regard.

2) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating the location of material storage and parking during the construction phase.

3) The applicant shall submit, in accordance with the requirements of the National Roads Authority, a Stormwater Management plan designed to
contain storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties that are lower, and/or surrounding roads, are not subject to stormwater runoff from the subject site. The plan shall include provisions for controlling roof runoff.

4) The applicant shall submit a landscape plan which shall be subject to review and approval by the Director of Planning.

5) 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.

6) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans which you will receive when all of the above conditions are complied with.

Additionally, once construction has started, conditions (7-16) shall be complied with before a final Certificate of Occupancy can be issued.

7) The applicant shall provide a septic tank with a capacity of at least 1,750 US gallons* to treat the wastewater from the proposed commercial building. The septic tank shall be constructed in strict accordance with the Water Authority's standards.

*The applicant is advised that the above requirement is based on NO FOOD SERVICE or other high-water use being ALLOWED AS TENANTS. The commercial building brings the size and use of development on this property (parcel) very near to the maximum allowed for treatment by septic tank(s). Any subsequent proposals to accommodate a high-water use may require an upgrade to install an aerobic wastewater treatment system to serve all development on the property. Any subsequent proposal to accommodate a food service will require the installation of an in-the-ground grease interceptor.

8) If it is proposed to utilize existing septic tanks for the 2 existing dwellings, the applicant shall certify that they meet current Water Authority's standards: they are sound (water tight), and if there is one tank per dwelling, each shall have a minimum capacity of 750 US gallons; if both dwellings share a septic tank, it shall have a minimum capacity of 1,500 US gallons.

9) All septic tank outlets shall be plumbed to a disposal well. The disposal well shall be constructed in strict accordance with the Water Authority's standards.

10) The discharge pipe from the septic tank shall enter the disposal well at a height of at least two feet above the water table level in the well.

11) The parking lot and driveway aisles surfaced with asphaltic concrete or equivalent and tire stops provided for each parking space which shall be striped.

12) The approved stormwater management system shall be installed on site.
13) Construct a gentle 'hump' at the entrance (along the entire width of the driveway) in order to prevent stormwater runoff from and onto South Church Street.

14) Curbing is required for the driveway and parking areas to control stormwater runoff.

15) At a minimum, the applicant shall provide 1 drain well per every 4,500 square feet of impervious surface area, which is the combined square footage for sidewalks, parking areas and roof area. Stormwater drains shall be located in the parking lot and driveway with parking areas sloped towards the drains. The minimum recommended specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in width.

16) The existing Eucalyptus Tree shall be retained.

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

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

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

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

To prevent potential delays and save money, the applicant may wish to coordinate with the following agencies prior to commencing any construction: Caribbean Utilities Company, Cable & Wireless and the Cayman Water Company and/or the Water Authority - Cayman.

AGENCY COMMENTS

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

National Roads Authority

"As per your memo dated July 21 2005, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations.

Road Capacity and Access Management Issues

Based on information provided by your office, our understanding of the current proposal for the two subject land parcels is to construct a new two-storey office development which will consist of about 5,606 square feet GFA. Also, it is understood that the existing dwelling houses (estimated size of about 1,500 square feet) at the rear of 14C120 and one on 14C119 (estimated size of about 1,600
square feet) will be retained at this point despite the fact that the site plan indicates that this development proposal is for both subject parcels. Given that both subject parcels are zoned General Commercial, it is only fair to assume that they will eventually be converted to some commercial use. Such a disjointed approach to the redevelopment of the subject parcels is however not conducive to properly assessing the potential traffic impacts onto the nearby road network or determining an appropriate access scheme that will support the ultimate redevelopment of the subject lands or provide sufficient parking area if the ultimate occupancy of those building will contain high traffic generators.

For the above reasons, this proposal, from a traffic perspective, is being reviewed as a mixed-use of office and commercial development. Consequently, the assumed development scenario for the subject parcels is for 5,606 square feet GFA of office space along with 3,100 square feet GFA of retail/commercial space. The use of ITE Codes 710 (General Office) and 820 (Shopping Centre) are used for traffic generation purposes, with the following trip generation equations supplied by ITE for estimating the daily, AM and PM peak hour trips.

This level of traffic generation can easily be accommodated by one (1) access driveway only. Either of the peak hour traffic translates into 1-2 vehicles, either exiting or entering, per minutes on average. Note that the anticipated traffic generation for the envisage development scenario clearly indicate that site layout of this proposal will inadequate to accommodate the necessary parking demand for the site.

Shedden Road is classified as a Secondary Arterial Roadway. According to the Roads (Amendment) Law, 2004 (Law 11 of 2004), the attributes and characteristics of such a roadway are as follows:

**Secondary Arterial Roads**

- May interconnect with and augment the functioning of primary arterial roads;
- Are designed to accommodate trips of moderate length at a lower level of mobility than is prescribed for primary arterial roads or, in special circumstances, level of mobility of not less than twenty-five miles per hour and not more than fifty miles per hours;
- Permit more opportunities for access than primary arterial roads; and,
- Permit access to abutting lands using acceleration lanes, deceleration lanes, frontage roads, medians, centre lanes, etc., to maximize the movement of traffic.

The subject lands have a combined frontage of about 210 feet abutting Shedden Road. The proposed driveway is located only 160 feet away from the signalized intersection of Thomas Russell Avenue/North Sound Road. The NRA considers this separate too close to the intersection as this interferes with the functional area of the intersection (i.e. the westbound right-turn lane for the signal) and does not meet the required minimum stopping sight distance. A minimum distance separation from the signalized intersection of 250 feet is required.
Finally, note that the developer needs to conform to the land requirement of Boundary Plan 394 and PCM 222 which will accommodate future additional widening along Shedden Road. The applicant shall liaise with the Lands & Survey Department for the coordinates of the widening. Consequently, front setbacks for this development shall be measured from the project area defined by BP394/PCM 222.

Based on the above-noted points, a revised site plan is required from the applicant. The NRA requests that the CPA requires from the applicant an overall development concept for the combined subject parcels. The revised site plan should reflect the following:

• Provision of road widening along Shedden Road as defined by BP394/PCM222.

• The access scheme for the combined subject lands shall be placed not closer than 250 feet to the east of the signalized intersection of Thomas Russell Avenue/North Sound Road and Shedden Road for the safety and operational reasons already mentioned.

• The site plan layout should be swapped to accommodate the requirement of the access scheme - thereby showing the proposed office development along the western boundary of the subject lands. This new layout will afford an opportunity to provide additional parking for the ultimate development of the two parcels.

• For an office/commercial development of this nature, the driveway shall be a minimum of thirty-six (36) feet wide with two exit lanes. Radius curves shall have no less than twenty-feet (25) feet in order to accommodate delivery vehicles. Note that the site plan shows substandard driveway depth of only ten feet (a less than a standard car length). Such design will create interference at the driveway and Shedden Road with ingress traffic whenever vehicle are backing from nearest stalls to the road, and will thus create an encroachment with the Shedden Road's traffic.

• The location of the garbage bins along Shedden Road is not endorsed by the NRA despite the fact that the Department of Environmental Health might no issue with this form of refuse collection for a commercial development. A sanitary vehicle stopped at the subject site for several minutes while gathering the refuse from the garbage containers will further impede traffic operations along Shedden Road and ultimately at the nearby signalized intersection. Therefore, from an operational and safety perspective, the applicant needs to provide for on-site garbage collection.

• A six (6) feet sidewalk shall be constructed within the site's boundaries in accordance with NRA standards.

**Stormwater Management Issues**

The applicant must demonstrate that the development's drainage systems can be self contained within the subject parcel. 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 must ensure that nearby roads and properties, are not subject to stormwater runoff from the subject site.

- Should the applicant elect to address site's drainage conveyance system by vertical wells, please provide a minimum of 1 well per every 4,500 square feet of impervious surface area, which is the combined square footage for sidewalks, parking and roof areas. Stormwater drains shall be located in the parking lot and soft landscaped areas with parking areas sloped towards the drains. The minimum specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in diameter.

- The stormwater management plan shall include site grading 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 along the entire width of the driveways in order to prevent stormwater runoff from and onto Shedden Road.

- Roof water runoff should not drain freely over the parking area or unto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins in or near the parking lot. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads (Amendment) Law, 2004 (Law 11 of 2004). For the purpose of this Law, Section 16(g) defines encroachment on a road as

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

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

Water Authority

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

- The developer shall provide a septic tank with a capacity of at least 1,750 US
gallons* to treat the wastewater from the proposed commercial building. The septic tank shall be constructed in strict accordance with the Authority's standards.

*The developer is advised that the above requirement is based on NO FOOD SERVICE or other high-water use being ALLOWED AS TENANTS. The commercial building brings the size and use of development on this property (parcel) very near to the maximum allowed for treatment by septic tank(s). Any subsequent proposals to accommodate a high-water use may require an upgrade to install an aerobic wastewater treatment system to serve all development on the property. Any subsequent proposal to accommodate a food service will require the installation of an in-the-ground grease interceptor.

- If it is proposed to utilize existing septic tanks for the 2 existing dwellings, the developer shall certify that they meet current Water Authority's standards: they are sound (water tight), and if there is one tank per dwelling, each shall have a minimum capacity of 750 US gallons; if both dwellings share a septic tank, it shall have a minimum capacity of 1,500 US gallons.

- All septic tank outlets shall be plumbed to a disposal well. The disposal well shall be constructed in strict accordance with the Authority's standards.

- The discharge pipe from the septic tank shall enter the disposal well at a height of at least two feet above the water table level in the well.

Please be advised that this development is situated within the Water Authority's public water supply area and will be connected to the system upon request by the owner. The location of that connection will be at the discretion of the Water Authority.”

**LETTER OF VARIANCE**

“Due to the configuration of the above mention parcel, existing buildings and limitation we are kindly requesting your permission for variance in order to achieve some of the requirements that is required by Planning Authority.

The Planning Department Regulation states that the setback is 6’-0” from the adjacent property boundary line. We therefore kindly seek variance for 3’-0” from the west boundary setback of the property to achieve one of the parking regulation.

The amount of parking stated by planning is 19 but due to the relocation of the dumpster the configuration of the parking set out was reduced to 15 just to accommodate the dumpster (see first site plan).

Therefore we are kindly asking the Central Planning Authority for all these variances mention above.

Thanking you in advance for your assistance and kind consideration in the above subject matter.”

**PLANNING DEPARTMENT ANALYSIS**
The applicant is seeking planning permission to construct a 2 storey office building (5,605.86 sq. ft.) consisting of 8 offices. The proposed development is to replace a single storey office building, which previously exists on the subject parcel. It should be noted that the use of the parcel would be mixed commercial-residential; a dwelling house is on the parcel. The Department has the following comments/recommendations:

**Parking**

In accordance with Regulation 9(13)(12), the proposed development would require to provide 15 parking stalls. The applicant is proposing only 10 spaces therefore an additional 5 stalls are needed for the development to adequately function. The configuration of the parcel and the house restrict the possibility of providing more parking spaces. Therefore the Department recommends that either the building be reduced to require less parking or the applicant find means of providing the required parking. The Department would support that the applicant has not provided sufficient reasons for a variance to be granted in respect of parking provisions.

**Right of Way**

The land registry map shows that a right of way traverses the subject parcel in favour of Block 14C Parcel 119. The house on Block 14C parcel 119 obtain direct access from Shedden Rd, therefore the proposed development would not be obstructing access to the adjoining parcel. The Department recommends that the applicant revoke the right-of-way that exist on the subject parcel and proof of this action (submission made to the Lands and Survey Department) submitted to the Department.

**National Roads Authority**

The Authority should consider comments received from the National Roads Authority. The applicant/agent has revised the site plan and subsequent comments received from the National Roads Authority. The Department would like to point out that the site plan complies with Regulation 8(8)(b) and (c) in that no development is within the 20’ setbacks from the roadside parcel boundary.

**Tree Preservation**

The Department would recommend that the existing Eucalyptus Tree be preserved.

At 1:20 pm, Mr. Allan Myles, Mr. E. Myles and Mr. Barrington Fagan appeared on behalf of the applicant.

CPA Summarized the application and noted that there were concerns with a deficient number of parking spaces and the rear setback.

Mr. A. Myles When the original drawings were made, there was no plan from NRA to take land. Now they want 10’ for widening which meant they had to cut the size of the building and bring it farther back from the road. This also meant that it affected the parking, but originally they had enough.
CPA  Asked where the land was taken by NRA.

Mr. Fagan  Pointed to the drawing and indicated it was the area in yellow.

CPA  Are they asking for a 3’ rear setback.

Mr. A. Myles  No, they have 6’.

Mr. Fagan  The variance they need is for parking, not setbacks.

CPA  Read the applicant’s letter from the agenda regarding the setback issue. It appears that the current site plan shows only 10 parking spaces, but the original plan had 19, but was revised due to the relocation of the garbage facility.

Mr. A. Myles  Yes, but the building was reduced in size too.

Mr. Fagan  With the original drawing the entrance was in a different place, but NRA wanted it moved. Also, there is less space now due to NRA needing land for widening. They wanted to put some spaces by the houses, but Planning said it wouldn’t work.

CPA  As shown on the site plan is the tree in the right place.

Mr. Fagan  He cannot say it is exact, but it is very close.

CPA  The location needs to be exact.

Mr. Fagan  It may be out 1 or 2 feet, but that is not critical.

CPA  Was the 3’ setback variance for the previous plan.

Mr. Fagan  No, they always had the correct setback.

Mr. E. Myles  Everything was in order until Government said they needed land for a road widening. Since they are giving up that land they are seeking some consideration for the number of parking spaces.

CPA  When the four way intersection was improved did Government take land at that time.

Mr. A. Myles  Yes.

Mr. E. Myles  They would like the tree to remain, but some say it should be removed.

CPA  They would like the tree to remain.

Mr. E. Myles  They would also like to keep it, as it is a landmark.

CPA  Has there been any thought given to demolishing the house on the adjacent land and doing a larger project.

Mr. A. Myles  No, his mother lives in that house.

CPA  Is there a right-of-way to the piece of land in front.

Mr. A. Myles  Yes, that is his old house.

CPA  They will have to release that old right-of-way because the new proposal will block it. Asked what is the intent of the building.
Mr. E. Myles The building will have some small shops and their office. Right now, the site is a sore eye and they just want to move on with the building.

Mr. A. Myles They are just trying to work this out so they can build and clean up the place.

CPA Noted that there is space between the two buildings and as this is costly land, maybe the buildings can be slipped back to allow for more parking spaces.

Mr. A. Myles They may be able to get a couple more parking spaces.

CPA Thanked them for appearing and noted that they would be advised of the decision.

<table>
<thead>
<tr>
<th>2. 21</th>
<th>GRAHAM CARLTON &amp; VELISMO HARBOUR LTD. Block 11D Parcel 75 (F05-0300) (P05-0810) (P05-0811) (P05-0812) (P05-0813) ($6,583,000) (CH)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Application for apartments: Six (6) buildings containing twenty-nine (29) apartment units, one swimming pool, gym, underground parking, boundary walls and five (5) docks.</td>
</tr>
</tbody>
</table>

**Appearance at 1:30**

**FACTS**

- **Location**: Drake Quay And Cook Quay, Governor's Harbour
- **Zoning**: LDR
- **Notice Requirements**: Objectors
- **Parcel Size**: 2.3851 acres
- **Current Use**: Vacant
- **Proposed Use**: Apartments
- **Building Size**: 65,830 sq. ft.
- **Density**: 12.16
- **Allowable Density**: 15
- **Building Coverage**: 25%
- **Parking Coverage**: 23%
- **Total Site Coverage**: 48%
- **Proposed Handicapped Spaces**: 3
- **Proposed Parking**: 50
- **Required Handicapped Spaces**: 2
- **Required Parking**: 50
- **Number of Units**: 29
BACKGROUND
September 14, 2005 (CPA/21/05; item 2.5) it was resolved to adjourn the application in order for the applicant to correct a procedural error regarding the notification of individual strata owners.

November 1, 2005 (CPA/27/05; item 2.13) it was resolved to adjourn the application.

Decision: It was resolved to adjourn the application, for the following reason:
1. The applicant is requested to submit revised drawings showing a minimum distance of 15 feet between buildings, while retaining the 20’ fire lane. This change will assist in reducing the mass and scale of the development to a reasonable level.

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

Chief Environmental Health Officer
“The following comments are submitted with respect to the above application:

Solid Waste
1. The proposed location of the onsite solid waste facility is satisfactory. The facility shall be designed and located to satisfy the following minimum criteria:
   • Access to these containers should be kept clear at all times.
   • The service vehicle can access the container directly and have adequate room to lift it into the discharge position.
   • The facility should be located away from overhead power lines and other protrusions that can cause electrical shock, injury, or other difficulties during servicing.
   • Where there is a canopy or other overhead projection under which the service vehicle must pass to access the onsite solid waste facility the minimum vertical clearance of 15 feet must be provided.
   • The floor slab of the enclosure should be constructed of reinforced concrete with a minimum thickness of 6 inches.
   • The enclosure should be constructed of suitable material and should have a minimum height of 5 ft 6 in, and minimum internal dimensions of 10 ft x 10 ft.
   • The floor slab should have a floor drain located at the center of the slab, or some other convenient point. This drain should discharge into a deep
well or other approved liquid waste disposal system.

- The facility should be provided with water under pressure. A tap and hose should be provided to facilitate wash down.

**Swimming Pool**

1. Full plans and specifications for the swimming pool and wading pool. The plans shall be drawn to a minimum scale of ¼ inch to 1 foot and shall show both top and profile view. The following minimum general data shall be included:

   - The length and width dimension in feet.
   - The surface area of the pool, in square feet.
   - The volume or total pool capacity, in gallons.
   - Suction and return line plumbing sizes and type of material.
   - Location of skimmer(s) split suction drain(s), equalizers and returns lines.
   - Stairs, ladders, grab rails, handrails.
   - The location of depth markers.
   - Width of the pool deck.
   - Provisions made for draining pool deck.
   - The make, model number, and square footage of the filter.
   - The make, model number, and horsepower rating (include booster pumps of spas) of the filtration pump.
   - The make, model number, and horsepower rating of all pumps.
   - The make and model number of the skimmers.
   - The Influent and effluent pressure gauges.
   - The make and model number of the chlorinator or other disinfection system
   - The make and model number of the flow meter.”

**National Roads Authority**

“As per your memo dated July 25 2005, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations.

**Road Capacity Issues**

Roadway capacity for either Cook Quay or Peninsula Avenue is not be an issue for a residential development of only 33 multi-family units. Plans for the horizontal alignment of the extension of the Esterley Tibbetts Highway (ETH) that is beyond Boundary Plan 486, have not been finalized for the immediate area
of the Governor's Harbour Development as discussions with various landowners are still on-going and costing options are being assessed. However, the current development proposal will minimally affect the intended road project.

**Traffic and Access Management Issues**

Driveway aisles should be a minimum of twenty-two (22) ft wide and the entrance driveway shall have radius curves of no less than fifteen (15) feet. The site plan shows a substandard driveway depth of only six feet at the easternmost driveway on Cook Quay. As a result of this substandard driveway design, the handicapped parking stall #58 (nearest to Unit #33) will create interference at the driveway with ingress traffic whenever vehicle back from this stall, and will also create an encroachment on the vehicular traffic of Cook Quay. Please have applicant revise the site plan accordingly to provide for safe traffic manoeuvres at this entrance.

Note that proposed perimeter walls (of an unknown height due to lack of details) immediately abutting the sidewalks as well all the columns of the entrances will interfere with the required sight triangles area at the each of the driveways - this concern is most prominent at the Peninsula Avenue entrance. The proposed walls should be either offset a sufficient distance from the sidewalk to provide for the required 250 feet of sight line visibility (measured from behind the sidewalk) to see the southbound traffic or the wall should be flared at the entrance in such a manner at to provide for the required sight visibility along Peninsula Avenue. Please have applicant revise the site plan accordingly for safety reasons.

At the intersections of Cook Quay and Drake Quay with Peninsula Avenue, some small parcel truncations were required at the time of the creation of the subject lands (see Planning Project # F03-0484 (CH) for details); however, the site plan is not reflecting those truncation requirements. Please have applicant to alter the site plan to ensure that a fifteen (15) feet truncation is provided at those two intersections. Note also the perimeter wall near to Drake Quay shall not extend all the way to the edge of the road as this interferes with the required truncation.

Six (6) feet sidewalks shall be constructed within the site's boundaries in accordance with NRA standards. The site plan shows a substandard five feet sidewalk along Peninsula Avenue which needs to be addressed.

**Stormwater Management Issues**

The applicant must demonstrate that the development's drainage systems can be self contained within the subject parcel. 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 must ensure that nearby roads or land parcels, are not subject to stormwater runoff from the subject site.

- Should the applicant elect to address site's drainage conveyance system by
vertical wells, please provide a minimum of 1 well per every 4,500 square feet of impervious surface area, which is the combined square footage for sidewalks, parking and roof areas. Stormwater drains shall be located in the parking lot and soft landscaped areas with parking areas sloped towards the drains. The minimum specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in diameter.

- The stormwater management plan shall include site grading 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 - details of impervious areas calculations should be included with the plan.

- Construct a gentle 'hump' along the entire width of all driveways in order to prevent stormwater runoff from and onto adjacent roadways.

- Roof water runoff should not drain freely over the parking area or unto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins in or near the parking lot. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads (Amendment) Law, 2004 (Law 11 of 2004). For the purpose of this Law, Section 16(g) defines encroachment on a road as

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

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

Water Authority

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

This development shall be connected to the West Bay Beach Sewerage System (WBBSS) at the Water Authority's pump station located at the northwest corner of this development, at the entrance to Drake Quay.

- The developer shall notify the Water Authority's Engineering Department 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 Authority is not responsible for delays due to insufficient notice from the developer.
- The developer is responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The developer shall submit plans for that 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 ownership of the wastewater infrastructure within the development shall be maintained under a single legal entity; e.g., a strata, to maintain legal responsibility for the maintenance and operation of the system.
- This property is within Cayman Water Company's service area for piped water supply. They should be contacted for a connection to their distribution system.”

OBJECTIONS
Letter #1

“We are the owners of property at #88 Cook Quay, Governors Sound, registered as 11D Parcel 71 where we have built a single family home for ourselves and our two young children.

We bought land at Cook Quay some years ago having been attracted to the peaceful neighbourhood qualities of Governors Harbour. Developed over the last twenty to thirty years, Governors Harbour is a quiet, peaceful and private community of single family dwellings in a preserved/controlled low density neighbourhood.

Over the last 25 years, other developers have proposed high density solutions for some of the larger tracts of land but the Central Planning Authority has denied those proposals recognizing their incompatibility with the neighbourhood and design covenants.

We confirm having been notified regarding proposals to develop lands on Cook Quay, Governor’s Harbour, registered as Block 11D Parcels 75-82.

We confirm our objections to this proposal by way of the following observations:

- The land comprises 8# parcels of land, each of insufficient size to permit apartments to be built. This is not a valid application and should not be considered by the CPA.
- The landowner has promoted the lands as five single family homes on the Cook Quay section of the roadway and three duplexes on the Peninsula Drive section of the lands. That proposal was agreeable and supported by the undersigned.
- The land was approved by the Central Planning Authority as 5# single family parcels and three duplexes NOT for use as apartments or the high density usage proposed by the applicant.

- The proposal is for 33# dwellings on the Quay and more than 60 cars which is not conducive to the low density neighbourhood of Governors Harbour.

- The developers proposes a land use and density that is inappropriate to the single family neighbourhood and community of Governors Harbour.

- The proposal is for multi family apartments which will negatively effect land values and the quality of life in this neighbourhood known for its privacy and high end value single family homes.

- The Central Planning Authority would set an unpopular precedent if this development were to be considered for approval.

- The density is extreme and maximizes the ratios permissible under law. Compliance with the Planning Law does not mean that a proposal is agreeable, particularly where the density is being maximized.

- The high site coverage necessitates that parking be constrained and set below the buildings, clearly demonstrating that the development is for beyond a natural design solution.

- The driveways are shown as one way and parking is set at an angle due to the oversized buildings. This is high density site planning and clearly inappropriate to the land use.

- Item 7 on sheet 1 proposes that the developer remove all landscape material and this would include all of the date palm trees that have aligned both sides of Cook Quay for the last twenty five years. We very very strongly object to this.

- There is no landscape plan amongst the submission documents.

- The distance between buildings is inappropriate to the land use, the streetscape and relationship with canalways of the Governors Harbour. The development is appropriate to the canals of Venice or some other waterside European city or city centre development, not to the low density residential neighbourhoods of Governors Harbour.

- The driveway accesses and egresses do not meet the NRA’s or Planning Department minimum standards.

- The height of the gateposts is not shown but appear monumental.

- There is no space on the site left for the contractor to properly store materials.

- The six to eight foot separation between buildings is not conclusive to the low density neighbourhood of Governors Harbour, nor safe where fire / emergency access is concerned.
- The three storey “wall” effect that this development provides is not conducive to the character of Governors Harbour, the streetscape or the canalside scale of a low density neighbourhood.

- The “wall” effect created by the buildings creates acoustic/sound/privacy related issues, particularly when located on a canal and where large numbers of people are being housed. Ditto for natural light levels and clean air quality.

- Other issues that this form of high density development bring to bear include:
  - Traffic issues, vehicle maneuvering
  - Pollution and garbage collection
  - Noise, especially around swimming pools and the “sound wall” effect created by the building’s design.
  - Proportion of setback to building height. Extreme proportion / solution is being proposed.
  - Parking/parking configuration demonstrate the over-density approach being proposed by the developer.
  - 6 ft high garden walls are not permissible under the law.
  - 5# docks being proposed so water pollution potential increased and boat trafficking on canal in excess of low density neighbourhood and land use.
  - Block wall being proposed along Cook Quay is not conducive to low density neighbourhood or design covenants.

In the event that the CPA entertains this application, please advise when the review will be heard as we would be pleased to be included in the CPA’s deliberations.

Thank you for your attention.”

Letter #2

“I refer to the notice dated 21 July 2005 with respect to the above.

I write in my own capacity but also on behalf of my wife Anne Karlsen who holds title to Block 11D, Parcel 70 jointly with me.

In relation to the application submitted by Velismo Harbour Ltd., we would object on following grounds:

1. The application is to build 33 residential units on parcel 75-82. This will involve consolidating these parcels together for strata purposes. We would object to this on the grounds that this is inconsistent with the general nature of the Governor’s Harbour area. With the odd exception of one or two parcels, Governor’s Harbour is a community of single family homes per parcel and not a community of high density accommodation. Parcels 75-82 should remain divided as they currently are so to ensure single family homes are build consistent with the Governor’s Harbour environs.
2. We would also object to the application on the grounds that the density level is far too high. The fundamental character of the neighbourhood would be substantially altered by high density accommodation of this sort being built.

3. While we appreciate that shortage of housing is still an issue in Grand Cayman high density accommodation of this sort will certainly have its place but we believe it should be established in areas where that is already the prevailing theme. Cook Quay is not suitable in this respect.”

Letter #3

“We are co-owners of a parcel of land on Jellicoe Quay, Governors Harbour – Block 11C Parcel 144. As such we write to object to the application submitted by Velismo Harbour Ltd., with respect to a proposed development of Block 11D Parcel 75-82 to accommodate 33 apartment units.

Our ground for objecting is that to allow such a development would be unreasonable for the following reasons:

1. It would be inconsistent with the general character of the Governors Harbour area which is a low density area that consists largely of single family dwelling houses and a limited number of small apartments of five units or less.

2. The density of the proposed development would create an unnecessary stress on the infrastructure in the neighbourhood e.g. roads and sewerage.

3. Approval of the proposed development would be inconsistent with previous decisions of the CPA with respect to large scale developments in the Governors Harbour area.

Letter #4

“I refer to the application for planning permission relating to the above parcels, the Central Planning Authority hearing in respect of which I understand has not yet occurred.

I am writing to you in my capacity as Director of Cayman International School which is located opposite the proposed development at Block 11D, Parcel 42.

You will no doubt be aware that Cayman International School expects to move to Camana Bay in late 2006. Accordingly, we have not to date made any comment about whether we object to or support the application. However, for the record, I would like to confirm that in the event the school does not relocate we would wish to normally object to this application given its significant proximity to the school.”

Letter #5

“I refer to the notice dated 21 July 2005 with respect to the above for which I have only now viewed and understand that the application is still under review. I write in the capacity as the owner of Block 11D Parcel 26. I would like to register my objection to the application submitted by Velismo Harbour Ltd., on the following grounds:
1. **Density**

The density of the proposed development is inconsistent with other development in Governors Harbor and the local community. Although Governors Harbor contains a mixture of single family homes and condominiums the proposed density of housing for this application is clearly far higher.

2. **Size**

The proposal involves combining parcels 75-82 together to form a single development and strata. The resulting size of the development is inconsistent with other developments in Governors Harbor and the community of Governors Harbor. It will irrevocably change our local environment.”

**Letter #6**

“I refer to the application for planning permission by Velismo Harbour Ltd. to develop Block 11D, Parcels 75-82.

Please note we are the owners of Block 11D Parcel 33 H4. We wish to object to the proposed development on the following grounds:

1. The application is inconsistent with the general nature of the Governor’s Harbour area in terms of the proposed density, scale and massing.
2. A development of this nature would be unprecedented in Governor’s Harbour. Governor’s Harbour is a community of single-family homes and certainly not a community of high-density accommodation. The proposed number of apartments is simply too excessive for the area.
3. The proposed development would place an excessive burden on the current roads system in the area. In particular, the volume of traffic would be significant.
4. The proposed development would diminish the quality of life for the residents on Cook Quay.

For these reasons, we would kindly request that the CPA decline the application.”

**Letter #7**

“I refer to the application for planning permission by Velismo Harbour Ltd. to develop Block 11D, Parcels 75-82 and my previous letter dated August 2005.

It is regrettable that the hearing of the application has been adjourned but there was probably little choice in the matter given the integrity of the proceedings would have been compromised without proper compliance with the statutory notification requirements.

As a matter of good order, I would ask also that if the applicant wishes to adduce additional information at the re-convened CPA hearing that such information be made available to all objectors so that all objectors may take time to consider and respond at the hearing. You will no doubt be aware that the Grand Court has ruled to this effect.
Given we have a little more time, I am taking the opportunity to provide further detail in relation to my original list of objections. For the purpose of the application, please take this objection letter in substitution of the former. I am of course writing this to you now so that the applicant may be made aware and have an opportunity to respond but, as mentioned above, I would ask that the applicant confine his response to the points raised. If new points are raised, they ought to be disclosed to all objectors in advance so that I (and any other objectors) may be permitted time to consider.

Objections

1. The application is inconsistent with the general nature of the Governor’s Harbour area in terms of the proposed density, scale and massing.

2. A development of this nature would be unprecedented in Governor’s Harbour. With the odd exception of a few duplexes and small apartment blocks (any block with three or more units), Governor’s Harbour is a community of single-family homes and certainly not a community of high-density residential accommodation. The proposed number of apartments is simply too excessive for the area.

3. The massing, scale, proportion and design of the proposed development is not consistent with the historic architectural traditions of Cayman.

4. All existing apartment developments in Governor’s Harbour are high quality, lot-density developments. This typifies the overall character of the neighbourhood and shows the standard that has historically been maintained by the CPA.

5. The proposed development would place an excessive burden on the current roads system in the area. In particular, the volume of traffic (not to mention the construction site) would present a threat to the adjacent school.

6. The proposed development would diminish the quality of life for residents in the adjacent Governor’s Harbour area.

7. All apartment complexes that have been approved in Governor’s Harbour area over the years have been small-scale developments of four or five apartments per site.

8. There are a total of 14 dwellings (based on my own count) on Cook Quay comprised of three houses, one block with five units and another block with six units. Drake Quay is not dissimilar with 21 dwellings (again based on my count) comprised of four houses, one block with five units, one block with four units and four other duplexes. To add a further 33 units would increase the number of dwellings on Cook Quay by over 300%. The percentage increase for Cook and Drake Quay together is lower but it is still just under 200%. This is unreasonable.

9. Note the applicant’s assertion that there are 19 apartment complexes in Governor’s Harbour is misleading. Indie Suites and half of Foster Bay Villas are in the hotel/tourism zone so the considerations relevant thereto are quite
different. Lime Tree Bay while being part of the low density residential zone is not part of Governor’s Harbour (and this is supported by the CPA Governor’s Harbour Policy Statement). That leaves 16 developments. By my rough count, the remaining developments together contain 104 units (an average of 6.5 units per development). If you count it as one unit, the phase of Foster Bay Villas on the canal contains 14 units and is the largest of all apartment complexes in the Governor’s Harbour area. I believe the next largest is Olivia’s Cove with 12 units.

Precedent
In relation to an application by Cortina International Limited in May 1997 for 60 apartments on a 5.75-acre lot adjacent to Magellan Quay, the CPA refused to grant planning permission on the following grounds:

“(i) The proposed number of apartments is excessive and would negatively impact on the existing neighbourhood, which predominantly consists of single-family dwellings.

(ii) The Central Planning Authority is of the opinion that the number of vehicles associated with the finished development would overload the adjacent roads and affect the safety of residents.

(iii) The proposed scale of development is not in keeping with the existing developments on adjacent lots. The proposal in its entirety would dwarf existing development.

(iv) The proposal is not in keeping with the Planning Department’s Apartment Study of the Governor’s Harbour area. Although the study has yet to be adopted by the Central Planning Authority, the proposal would not satisfy any of the recommended options.

(v) The mass and scale of the development is not acceptable to the Central Planning Authority. Although there are apartments on the subject quay, they are essentially small self-contained four-plexes.

This proposal does not conform to that type of development and would dramatically alter the character of the area.”

It should be noted further that the CPA decision in 1997 was reviewed, amongst other things, as to its reasonableness by the Grand Court. The Judge said that the court could intervene where, “[the authority has] come to a conclusion so unreasonable that no reasonable authority could ever have come to it.” On the facts, the court held the CPA decision to be reasonable.

In 2002, Cortina applied for permission to build 52 apartments. The CPA refused planning permission for the following reasons:

“(a) The scale of the proposed development will cause unreasonable overuse of the main public beach at West Bay Road. The Authority believes that this is contrary to the general aim of the Development Plan 1997. Part 1.2 of the Plan reads: “The general aim of the plan is to maintain and enhance the quality of life in the Cayman Islands by effectively directing
development so as to safeguard the economic, cultural, social and general welfare of the people, and subject thereto the environment."

(b) The existing neighbourhood predominantly consists of single-family dwellings. The proposed number of apartments is large and out of character with existing development. The proposed scale of development is not in keeping with the existing developments on adjacent lots.

(c) The applicant does not own the adjacent road reserves. As such, the Authority is not convinced that traffic concerns resulting from the development would be addressed. The Central Planning Authority is of the opinion that the traffic development related to the finished development would strain the adjacent roads and affect the safety of the residents.

(d) The proposal is not in keeping with the Planning Department’s Apartment Study of the Governor’s Harbour area. The development would not satisfy any of the recommended options.

*Per Regulation 8(8), the Authority finds that the proposed development is not for a suitable location. Although there are apartments on the subject quay, they are essentially small self-contained four-plexes. The mass and scale of the proposal is not acceptable to the Central Planning Authority.*

Finally, Cortina applied again in 2003 to build a 24 unit apartment complex on 2.26 acres of the original site (an average of approx. 10 units per acre) and the CPA declined the application for the following reasons:

“(1) The scale and massing of the proposed development is out of character with existing development in the area.

(2) The number of units proposed in each building is greater than typical apartment buildings on Magellan Quay. This is out of character with existing development in the area.

(3) Objections were considered valid in respect of scale, massing and degradation of the character of the area. The application is not considered in the best interest of the Governor’s Harbour community.”

As referred to above, on 3 July 1997 the CPA adopted specific policies regarding the Governor’s Harbour subdivision. The policy adopted with respect to Cook Quay reads:

“The current development and lot pattern indicates that they are designed to accommodate additional apartments. The CPA may allow apartments on these two quays as demand warrants and provided the proposal satisfies the applicable Regulations.”

It is accepted therefore that developers may submit applications and the CPA may entertain those applications. However, that does not mean the CPA is free to disregard all the usual considerations that apply to an application of this nature. Under the Development and Planning Law, the CPA is under a duty to “secure
consistency and continuity in the ...execution of [the] comprehensive policy approved by [the Cabinet] with respect to the use and development of land in the Islands.” In addition, the CPA is required, for an application of this sort, to “…identify and investigate the considerations relevant to ...the proposed development which, in its opinion, are relevant to the question of whether the application should be approved.” In other words, the CPA should consider all material considerations.

It should be noted that in an English case from 1992 (North Wilshire DC v Secretary of State for the Environment) the Court of Appeal held that it was indisputable that a previous appeal decision concerning the same application site was a material consideration in determining a subsequent application for the development of the same site. The reason is the need for like cases to be decided in a like manner so that there is consistency in the appellate process. The Judge said, “Consistency is self-evidently important to both developers and development control authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system.” In a subsequent English case from 1997 (Beaulieu Property Management v. Secretary of State for the Environment), the court stated that the decision-maker must first determine that the previous appeal decision is “sufficiently closely related to the matters in issue” such that is was a material consideration. If it was material, then the decision-maker is under a duty to give reasons if his decision departs from the previous decision. A failure to give reasons could lead to the court quashing a decision if there was a substantial prejudice to the applicant. While these decisions are from the English courts, they are likely to be regarded as highly persuasive by the Cayman courts.

The English courts have also accepted the principle that although land may be suitable for the development proposed, the planning authority may refuse planning permission for that development if to grant it would be likely to lead to a proliferation of applications for similar development, which the authority would then find it difficult to refuse. Given that all the Cortina applications were declined, on the grounds of the negative precedent value along it is hard to see how this application can succeed.

It is submitted that the reasoning applied in the Corinal decisions referred to above is equally applicable to this application given Cook Quay is part of the Governor’s Harbour community (as recognized in the CPA policy statement). While the CPA decisions referred to above relate to land adjacent to Magellan Quay, the considerations for the overall Governor’s Harbour community remain the same.

In order to avoid risk of appeal, the CPA should act reasonably, in accordance with the law, in accordance with the principles of natural justice, and in accordance with the development plan. There has been no change in the zoning of the Governor’s Harbour area since 1997 (the year of the current development plan and also the year the Grand Court reviewed the CPA decision referred to above). Accordingly, it is submitted that if the CPA is to maintain consistency and continuity and not set an unsuitable precedent then it is duty bound to decline this
application. Applying the test of reasonableness referred to by the Grand Court, this would seem a reasonable conclusion.”

Letter #8-17

The following letter was submitted by ten (1) different landowners in the area.

“I refer to the application for planning permission by Velismo Harbour Ltd. to develop Block 11D, Parcels 75-82 and my previous letter dated August 2005.

I wish to object to the proposed development on the following grounds:

1. The application is inconsistent with the general nature of the Governor’s Harbour area in terms of the proposed density, scale and massing.

2. A development of this nature would be unprecedented in Governor’s Harbour. Governor’s Harbour is a community of single-family homes and certainly not a community of high-density residential accommodation. The proposed number of apartments is simply too excessive for the area.

3. Query whether the applicant can in fact make this application given the site comprises eight parcels and not one combined parcel.

4. All existing apartment developments in Governor’s Harbour are high quality, lot-density developments, the standard that historically been maintained by the CPA. All apartment complexes that have been approved in Governor’s Harbour area over the years have been small-scale developments of 4 or 5 apartments per site.

5. The proposed development would place an excessive burden on the current roads system in the area. In particular, the volume of traffic would be significant.

6. The proposed development would diminish the quality of life for residents in the adjacent Governor’s Harbour area.

7. There are a total of 14 dwellings on Cook Quay comprised of three houses, one five-plex and a six-plex. Drake Quay is not dissimilar with 21 dwellings comprised of four houses, one five-plex, one duplex, one four-plex, and three other duplexes. To add a further 33 units would increase the number of dwellings on Cook Quay by over 300%. The percentage increase for Cook and Drake Quay together is lower but it is still just under 200%. This is unreasonable.

For these reasons, I would kindly request that the CPA decline the application.

LETTERS OF SUPPORT

Letter #1

“I am writing to confirm my support of the above project on Cook Quay.

As a long time resident of Governors Harbour I have enjoyed living in this area even during the hardship of re-building after Hurricane Ivan.
The island is being somewhat pillaged with over-development, however this is the price of progression. Since there is no stopping development and particularly in the last few pieces of valuable land in Governors Harbour I would prefer to have a prestigious development that will ultimately improve the living conditions and value of our properties in these two quays. I am excited about this development and want to wish the developers every success.”

Letter #2

“As a neighbour to the site and strata member of the Cook and Drake Quay strata I am writing to support of the proposed Velismo Harbour project. After reviewing the projects design drawings I now appreciate the many benefits including improved sewage connection as well as the proposed improvements to our strata common area by the developers. I am convinced that this high-end development in my neighbourhood will raise property values of our property as well as those on Cook Quay.”

Letter #3-7

“I am writing to confirm my full support for the above project on Cook Quay. I believe a prestigious development such as Velismo Harbour will enhance the area and can only add to the value of properties in the surrounding location.

I look forward to seeing Velismo completed.”

LETTERS FROM APPLICANT’S AGENT

Letter #1

“Please find attached two copies of our revised site plan and our new Fire Vehicle Access Plan as per the requirements of planning and the fire marshall.

Issued Raised by planning:

1. Drive Aisles should be a min. 22 ft.
   (All two way drives are 22 ft. and the one way drive aisles are 14 ft. which both meet min. requirements).

2. Columns and perimeter wall will interfere with visibility of traffic coming to and from our site. Especially along Peninsula Avenue.
   (We’ve pulled back the entrance columns further away from the entrances to allow for more visibility. Also, at the Peninsula Avenue entrance, we angled the wall and columns back to increase even further the site lines as per your request).

3. Ensure a 15’ truncation is provided at both intersections and perimeter wall near Drake Quay shall not extend all the way to the edge of the road.
   (We did as requested and angled our walls off at these locations to allow the required truncation at these intersections).

4. 6’ shall be constructed within the site boundaries in accordance with NRA standards.
(We widened our sidewalk; it is now 6’ in width).

Thank you for your comments and recommendations.”

Letter #2

“The following changes were made as per my meeting with Carla Harrison on August 17, 2005.

1. Truncation – revisions were made to the site plan to show the proper truncations which are required by regulation 25(a) of the Development and Planning Regulations (2003 Revision).

2. Remove parking stall 58.

3. Sidewalks were increased to 6 feet and a 4 foot landscape strip was added in all possible locations. Please note that this landscape strip could not be added to a portion of the sidewalk on the south of our property as it would prohibit our driveway in that location.”

Letter #3

“The proposal is construct 33# up market apartments comprising 24# 2 bedroom units and 9# 1 bedroom units complete with swimming pool and gymnasium on open land at Cook Quay.

The site is zoned Low Density Residential. Planning Regulations allow for development of apartments in this zone.

THE PROPOSED DEVELOPMENT IS COMPLIANT WITH PLANNING REGULATIONS.

OBSJECTIONS

In making the application 44# adjacent properties were notified; i.e. Properties falling within a 450 ft radius of the site. The notices to 44# property owners resulted in only 2# objections being lodged, these being from Mr. & Mrs. Doak and from Mr. Frawley.

Notices were issued on 20th July, 2005. The two letters of objection are stamped received by the Planning Department on 19th August, 2005 some 30 days later, nine days outside of the notification period required by Planning Regulation.

THE APPLICANT THEREFORE QUESTIONS THE VALIDITY OF THE OBJECTIONS AND REQUESTS THAT THE CPA CONSIDERS THIS ISSUE.

GOVERNORS HARBOUR

Governors Harbour, all of which is zoned Low Density Residential, comprises a mixture of apartment development, single family homes, duplexes, a school and a utility company.

There are 19# apartment developments spread from north to south through Governors Harbour, there are approximately 293 apartment units. The developments are:

1. Foster Bay Villas

112
2. Foster Bay Villas Phase 2
3. Indies Suites
4. Olivias Cove
5. Duplex at 300 Raleigh Quay
6. Raleigh Harbour North
7. Castaway Apartments
8. Raleigh Harbour South
9. Apartments at 246 Raleigh Quay
10. Columander Court Duplex
11. Viscaya
12. Safe Harbour
13. Apartments at 234 Nelson Quay
14. Admirals Retreat
15. La Dolce Vita
16. Apartments at 54 Drake Quay
17. Drake Quay Townhouses
18. Cook Quay Apartments & Townhouses
19. Lime Tree Bay

**THE SITE**

At present the site is an open piece of land with Cook Quay Apartments to the east, Admirals Way Apartments to the north, a school to the south and Admirals Way road to the west.

Until 18 months ago the land was in one parcel. The present land owner considered development of the land as single family homes but now realizes that this would not be successful on account of the busy road and overlooking three storey apartments in Drake Quay.

The original developers, with approval from the CPA at that time, fully intended for the close integration of apartments, townhouses and single family homes. This is demonstrated by the original developments in Cook Quay and Drake Quay which put single family homes next to apartments and townhouse.

When Mr. Doak and Mr. McTavish developed Parcels 70 and 71 in Cook Quay several years ago they were fully aware that they were constructing next to apartments and townhouses. In fact parcels 70 and 71 were previously one lot and the combined land area did not and does support development of two single family homes.

The fact that the Cook Quay Apartments pool & tennis court are located on the
western extremity of the quay would indicate that the original developer fully intended that the remainder of the quay be developed with apartments.

Apartment development on the site is the only appropriate land use and is consistent with existing land use in Cook Quay and Drake Quay.

THE OBJECTIONS

Rather than comment on each issue in the letters of objection which would take some time we have endeavored to categorize the objections as follows:

1. PLANNING ISSUES

Objection:

It would appear that Mr. Doak has carried out a Planning Review and has made comments on set backs, site density, site coverage, parking, driveway design, land use and garbage collection. His comments are not accurate and are only designed to support his own interests.

Response:

Prior to making the application and subsequent to submission we have had numerous meetings with Carla Harrison at the Planning Department, the Roads Authority, the Fire Department, Water Authority and Department of Environment.

These meetings have been made so that the site plan could be designed and adjusted to become FULLY COMPLIANT WITH ALL GOVERNMENT REGULATIONS AND REQUIREMENTS AND FULLY COMPLIANT WITH ALL ASPECTS OF LOW DENSITY RESIDENTIAL ZONING.

2. BUILDING APPEARANCE

Objection:

It is suggested that the Mediterranean Style design is not appropriate to Governors Harbour and that the design is “wall like” and lacking subtly.

Response:

There are no restrictive covenants for Drake Quay or Cook Quay but it is clear that the original developer intended to pursue a Mediterranean Style. This is why the original buildings, such as those in Cook Quay, have red barrel tiles, white walls and features such archways.

The proposed design is strongly Mediterranean with bold features such as the archway over the pool that frames the view along the canal. The design is ornate in parts and highly detailed with architectural features.

The buildings do vary in height, although the predominant appearance is two storey.

The buildings have projecting terraces, and interesting garden spaces between. Landscaping will be lush and plentiful.

THE OBJECTIVE IS TO CREATE AN APARTMENT DEVELOPMENT OF THE HIGHEST ARCHITECTURAL QUALITY.
3. LOSS OF AMENITY

**Objection:**

It is suggested that an apartment development on the site will cause loss of amenity to current residents, through increased traffic, noise, garbage, smell.

**Response:**

All such issues have been mitigated for by the fact that the design conforms to all local authority design regulations. Further, the swimming pool and garbage areas are centrally located, well away from adjacent properties and for the most part vehicle access is directly onto Admiral’s Way.

**SUPPORT FOR THE DEVELOPMENT**

We would like to highlight the fact that the adjacent Cook Quay Apartment Strata and Drake Quay Apartment Strata has not objected to the application. One reason for this is that the Drake & Cook Quay Strata presently faces significant problem in their sewage line to the public sewage system is in a state of failure and requires replacement at their own expense.

The applicant intends to assist by extending the proposed sewer line for the new development and sizing it so that Cook Quay Apartments can connect to this new sewer.”

**Letter #4**

“Please note that we are confirming our appearance on Dec. 7th CPA meeting. In that meeting we are planning to show the board an accurate 3d model of the proposed development as well as the surrounding site. We are confident that the board upon review of the 3d perspectives will agree that the proposed Velismo Harbour Development is suitable for the site and will add to the over all appearance and values on the neighbourhood.

Also please find attached seven letters from neighbours of the site who are for the proposed development.”

**PLANNING DEPARTMENT ANALYSIS**

**Major Application**

The subject application qualifies as a major application with respect to Section 6(2)(a). Accordingly, the Authority must review this application with specific consideration given to Sections 6(1), (3), (4), (5), (6) and Section 7. The following chart has been formulated to assist the Authority in reviewing the application with respect to the aforementioned sections of the Law. The Department has included its reasoned recommendations for each section of the Law for the Authority's consideration
### CHART A

<table>
<thead>
<tr>
<th>Section 6 (1) (a)</th>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Response</td>
<td>It is likely that the impacts of the proposed development would be minimal.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 6 (1) (b)</th>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Response</td>
<td>There are no such aspects.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 6 (1) (c)</th>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Response</td>
<td>There are no such aspects.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 6 (1) (d)</th>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Response</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 6 (1) (e)</th>
<th>Assessed the importance to be attached to those considerations or aspects and found that:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Response</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 6 (3)</th>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Response</td>
<td>Two objections were received.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 6 (4)</th>
<th>The Authority considered whether the development proposed in the application should instead be carried out at an alternative site and found that:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Response</td>
<td>No other site was proposed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 6 (5)</th>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Response</td>
<td>No further research required</td>
</tr>
</tbody>
</table>
CHART A (cont’d)

<table>
<thead>
<tr>
<th>Sec 6 (6)</th>
<th>The Authority noted that it may hold an inquiry, if it thinks it necessary, for the proper discharge of its functions and decided that:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Response: Not required</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sec 7</th>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Response: The Authority considered and took into account the agency reports presented thus far.</td>
</tr>
</tbody>
</table>

Introduction

The applicant is seeking planning permission for twenty-nine apartment units. The proposal includes five (5) docks which are 60’ by 8’; a gym, and one (1) swimming pool. There are two boundary walls 3’-5” high.

Site Layout/Landscape Strip

The subject parcels shall be combined to form a single parcel in order to sufficiently accommodate the proposed development. The parcels are relatively narrow extending to a maximum of 140’ wide. Given the configuration of the parcels the buildings, parking areas and driveway are restricted nonetheless the proposal meets setback requirements excepting for "unit 1" which is setback 17’ from the roadside parcel instead of the required 20’. The Department would like to note that breaching of the roadside setback is as a result of the truncation at Drake Quay as required of the applicant as per CPA/01/04: item 3.19.

The applicant is unable to maintain a 4ft wide landscape strip along the entire roadside boundary; landscaping is provided intermittently along the roadside boundary.

Suitability/Site Coverage

The parcel is zoned low-density residential and meets the requirements for apartment development, provided that all the parcels are combined. In accordance with regulation 9(8) the maximum site coverage shall be 25% of the lot size. The applicant is proposing site coverage of 28.5%, which is 3.5% excessive of the maximum allowable. The Department feels that the site coverage should be reduced to comply with the aforementioned regulation.

Aesthetics/Building Height

In accordance with Regulation 8(2)(c) states that where the height of a building is 3 storeys, the building shall be so designed that no continuous vertical facade or elevation exceeds 25’ or 2 storeys in height. In regard to Building 3, the design
illustrates a continuous facade of 34’ along the "street (front) elevation" and 34’-6" along the "canal (canal) elevation". The Department recommends that "building 3" be redesigned to comply with the aforementioned Regulation.

**Garbage Facility**

Though the Department of Environmental Health has no concerns, the Department recommends that an additional garbage facility be provided for the proposed development. The Department is of the opinion that having one facility for such a large and up-scale development is insufficient.

**Other concerns**

The applicant has addressed National Roads Authority concerns, however, the applicant has to resolve Fire Department's concerns.

**SUPPLEMENTARY ANALYSIS #1**

The applicant has now successfully notified all required adjacent land owners. The applicant/agent has submitted revised plans to show the following changes:

- The number of units reduced from 33 to 29 units.
- The number of bedrooms reduced from 57 to 49 bedrooms.
- The number of parking spaces reduced from 57 to 50 spaces.
- An additional garbage facility provided.
- Continuous landscape strip along the entire roadside parcel boundary.
- The height of "building 3" now complies.
- A new path for emergency vehicles (fire access lane).

The proposal comprised of 6 buildings as follows: building 1 containing 3 units; building 2 containing 3 units; building 3 containing 9 units; building 4 containing 3 units; building 5 containing 7 units; and building 6 containing 4 units, which is a total of 29 units.

**SUPPLEMENTARY ANALYSIS #2**

The application was adjourned at the meeting held on November 1, 2005. The Authority was concerned that the overall mass and scale of the proposed development is out of character with surrounding development. Consequently, the applicant decided to produce an accurate 3D model of the proposed development in relation to the surrounding developments in order to address the Authority’s concerns.

**At 1:30pm, Mr. Padraic Linnane, Ms. Kim Carlton, Mr. Pedro Theye and Mr. Brian Eccles appeared on behalf of the applicant. Mr. John Doak, Ms. Jackie Doak, Mr. Tim Frawley, Mr. Urlich Holland and Ms. Eleanor Messer appeared as objectors.**

**CPA** Noted that they are here to consider the issue of building mass and asked that the applicant present their material.
Mr. Eccles  The original drawings had 33 apartments and in response to concerns from the CPA and the objectors the number has been reduced to 29. The site coverage is less than 25% and the site plan has been redesigned to provide breaks between the buildings. Since the last meeting, the height of the central three storey building has been reduced to 27’, which is less than the 32’ for the development across the canal. He referred to the perspective drawings that they brought (see exhibits 1 to 4 below).

Exhibit 1

Exhibit 2
Exhibit 4
Mr. Eccles  Continued by saying that the renderings are to scale and show that there are many undulations in the buildings and that they are quite attractive. The drawings show the development across the canal and how large it is in relation to their proposal. They feel that by presenting these drawings it is clear that the mass of their proposal is quite reasonable and complimentary to the area. This project will not detract from the amenity of living in this area.

CPA  Asked if the objectors would like to speak to the matter.

Mr. Frawley  Noted that he was not here for the last meeting, but understands that his letter was read in the minutes. While the perspective drawings may be interesting, they do not address the issue of density. The height may have been reduced, but it still appears to be a massive development. The development across the canal is only 5 homes so that is not a fair comparison. Also, because they were homes there was no notification required so no one had the opportunity to object. At the last meeting the Authority said it was convinced that the mass and scale was out of character with the area and he doesn’t feel that anything shown here today would lead to a different conclusion. The issue of density still hasn’t been addressed. There are other apartment complexes in the area, but this is much larger and out of character. Everything else he has said in the past meetings still stands.

Ms. Messer  She too was not at the last meeting. Her objection is based on density. The height is not really the issue, but the density will affect the
Governors Harbour area. There will be more cars on the private road, which is not maintained, except by the NRA for some pot holes. There will be a massive amount of population which is at variance with the Governor Harbour area.

Mr. Doak Refereed to the exhibits and stated that the scale that was used is deceiving. He asked if the Department still had his drawings from the previous meeting. The Assistant Director of Planning replied yes and then retrieved the drawings and gave them to Mr. Doak (exhibits 5 & 6 below). To him, the drawings support his concerns and he doesn’t see anything different from what he presented before with his drawings.
Mr. Holland  The drawings show nothing new, other than one building being lower in height. He owns land across the street and in an existing apartment complex and he has objected several times. His only comment today is that from the last meeting the applicant claimed that this site was always meant to be developed with apartments. He has found a plan from the 1980’s and this plan shows the area developed the way it more or less is now – with homes and open areas. If you compare this project to the plan he has, they are not the same. The plan he has shows relatively low dense apartments in the area – the way it is now. The area was planned for single family houses and that is what people bought into. The proposed mass and scale is very different for the area and it just doesn’t fit.

Ms. Doak  Would like to speak briefly to the density and impact on the neighbourhood. There are lots of kids playing in the area and there are common areas, a pool and tennis courts, that are used frequently. How will the kids and others using these facilities be safeguarded during construction. Where will the construction materials be stored. From a family point of view, the project will introduce a lot of people into the neighbourhood. Also, there is currently a school in the area with a lot of kids.

Mr. Holland Asked if he could read a letter of objection for another neighbour.

CPA  Yes.
Mr. Holland Proceeded to read the letter, which was signed by Stephen Heal and Elisabeth Krichbaumer Heal, and is reproduced below:

“I refer to the application for planning permission by Velismo Harbour Ltd to develop the block and parcel referred to above.

I have written to the committee on this matter previously.

It is still my opinion that the scope and density of this proposed project is too large and is not in keeping with the surroundings of the area of the Cul de Sac known as Cook Quay.

We have enjoyed the quiet and tranquility of the area for some time and this development would change that dramatically. There will be a huge increase in vehicular traffic to accommodate all of these new residents and their guests. The service vehicles, coming and going, will also cause much concern for the current residents.

As I am unable to attend the meeting scheduled for Wednesday 7th December 2005, I hope this letter will confirm my concerns and reservations regarding this project.”

Mr. Eccles The original developer intended condominiums to be on this site. Twenty years later, prices are different and in order to be viable the development must be of a certain scale. There are 19 apartment developments in the Governors Harbour area. This project is significantly less in density than what the provisions of the LDR zone would allow. The development across the canal, regardless that they are homes, is a massive development. This project will have much less mass than that other development.

Mr. Doak It appears that they are being told they made a bad business decision to build a home in this area.

Mr. Eccles To put it simply, they built a home in an area that is predominantly condos.

Mr. Doak He is puzzled by the comment that this land can’t be built with anything other than apartments.

Mr. Frawley He also agrees that the comment is puzzling. He used to live at Olivias Cove, which is 12 units at the end of a canal, and that development seemed reasonable in terms of density. The proposed 29 units is a different proposition all together. The decision on the Cortina Villas application was that it was too dense and that was 24 apartments on a similar size plot. There is a theme that a suitable density for the Governors Harbour area is less than the maximum prescribed by law.

Mr. Doak Mr. Eccles wasn’t here for the last meeting so he will repeat this one point. The property was previously subdivided into 8 lots. He apologized as he lost his train of thought. He is baffled why they are here as he doesn’t see anything different. The Authority said that the mass and scale had to be addressed and this hasn’t been done.
Mr. Eccles They are here today with the 3D renderings that for the first time show what is really happening. The owner of the land is here and can attest to the fact that they have had no success in selling single family lots and that is why the decision was made to move on with apartments.

CPA Asked if the land owner wished to speak.

Ms. Carlton Replied that she did not have anything to add.

CPA Noted that in viewing the coloured perspective drawings, the buildings in the middle seem larger than how they appear in the black and white drawing.

Mr. Eccles Replied that that isn’t the case. The drawings are to scale and the perspective is taken from the air looking down so that the closer buildings would look taller. He said the black and white drawing is very accurate.

CPA Thanked them for appearing and noted that they would be advised of the decision.

The Authority considered the matter further, particularly in light of the various drawings presented by both the applicant and Mr. Doak. The Authority viewed the applicant’s drawings as providing an accurate depiction of how the proposed development would fit with the immediate area with respect to mass and scale. The Authority felt that the drawings (exhibits 1 to 4) demonstrate that the mass and scale of the proposed development is not as out of character with the area as was originally thought. The Authority felt that with an increase in the spacing between buildings that the mass and scale of the development would be reduced to an acceptable level. To assist the applicant in addressing the issue of mass and scale, the applicant will be requested to submit revised drawings showing a minimum distance of 15 feet between buildings, while retaining the 20’ fire lane.

2. 22 LLOYD DOUGLAS Block 24E Parcel 64 (F05-0422) (P05-1096) ($381,900) (CH)

Application for four (4) apartments.

Appearance at 4:30

FACTS

Location Siberia Ave, off Mahogany Way and Mangrove Ave

Zoning LDR

Notice Requirements No Objectors

Parcel Size 14,374.8000 sq. ft.

Current Use Vacant

Proposed Use Apartments

Building Size 4,020 sq. ft.
<p>| | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td><strong>Density</strong></td>
<td>12</td>
</tr>
<tr>
<td><strong>Allowable Density</strong></td>
<td>15</td>
</tr>
<tr>
<td><strong>Building Coverage</strong></td>
<td>23%</td>
</tr>
<tr>
<td><strong>Parking Coverage</strong></td>
<td>15%</td>
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<tr>
<td><strong>Total Site Coverage</strong></td>
<td>38%</td>
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<tr>
<td><strong>Proposed Handicapped Spaces</strong></td>
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<tr>
<td><strong>Proposed Parking</strong></td>
<td>6</td>
</tr>
<tr>
<td><strong>Required Handicapped Spaces</strong></td>
<td>1</td>
</tr>
<tr>
<td><strong>Required Parking</strong></td>
<td>6</td>
</tr>
<tr>
<td><strong>Number of Units</strong></td>
<td>4</td>
</tr>
</tbody>
</table>

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

In addition to Building Permit requirements, conditions (1-3) listed below shall be met before a Building Permit can be issued.

1) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating the location of material storage and parking during the construction phase.

2) The applicant shall submit, in accordance with the requirements of the National Roads Authority, a Stormwater Management plan designed to contain storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties that are lower, and/or surrounding roads, are not subject to stormwater runoff from the subject site. The plan shall include provisions for controlling roof runoff.

3) The applicant shall submit a landscape plan which shall be subject to review and approval by the Director of Planning.

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

5) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans which you will receive when all of the above conditions are complied with.

Additionally, once construction has started, conditions (6-12) shall be complied with before a final Certificate of Occupancy can be issued.

6) The applicant shall provide a septic tank with a capacity of at least 1,500 US gallons. The septic tank shall be constructed in strict accordance with the Water Authority's standards.
The effluent from the septic tank shall be discharged into a disposal well. The disposal well shall be constructed in strict accordance with the Water Authority’s standards. The discharge pipe from the septic tank shall enter the disposal well at a height of at least two feet above the water table level in the well.

The parking lot and driveway aisles surfaced with asphaltic concrete or equivalent and tire stops provided for each parking space which shall be striped.

The approved stormwater management system shall be installed on site.

Construct a gentle 'hump' at the entrance (along the entire width of the driveway) in order to prevent stormwater runoff from and onto South Church Street.

Curbing is required for the driveway and parking areas to control stormwater runoff.

At a minimum, the applicant shall provide 1 drain well per every 4,500 square feet of impervious surface area, which is the combined square footage for sidewalks, parking areas and roof area. Stormwater drains shall be located in the parking lot and driveway with parking areas sloped towards the drains. The minimum recommended specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in width.

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

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

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

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

To prevent potential delays and save money, the applicant may wish to coordinate with the following agencies prior to commencing any construction: Caribbean Utilities Company, Cable & Wireless and the Cayman Water Company and/or the Water Authority - Cayman.

AGENCY COMMENTS

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

Chief Environmental Health Officer

“The following comments are submitted with respect to the above application:
1. A 7 ft 6 in by 5 ft enclosure shall be provided for this site. The enclosure shall be equipped with five 32-gallon bins.

2. The enclosure shall be designed and located to comply with the department's guidelines."

**National Roads Authority**

“As per your memo dated September 29th, 2005 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations.

**Road Capacity Issues**

Roadway capacity is not an issue for this apartment complex.

**Access and Traffic Management Issues**

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 Siberia Avenue, within the property boundary, to NRA standards.

The landscaping provided on the site plan near the driveway may impede site visibility. Please have applicant revise site plan accordingly or ensure that the proposed landscaping will include low shrubs.

**Stormwater Management Issues**

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff within the subject parcel and retain existing drainage characteristics of the site as much as is feasible through innovative design and use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is no worst than pre-development runoff. To that effect, the following requirements should be observed:

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.

- Should the applicant elect to address site’s drainage conveyance system by vertical wells, please provide 1 well per every 4,500 square feet of impervious surface area, which is the combined square footage for sidewalks, parking areas and roof area. Stormwater drains shall be located in the parking lot and soft landscaped areas with parking areas sloped towards the drains. The minimum specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in diameter.

- 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 (along the entire width of the driveway) in order to prevent stormwater runoff from and onto Siberia Avenue.
- Curbing is required for the parking areas to control stormwater runoff.
- Roof water runoff should not drain freely over the parking area or unto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins in or near the parking lot. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads (Amendment) Law, 2004 (Law 11 of 2004). For the purpose of this Law, Section 16(g) defines encroachment on a road as

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

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

**Water Authority**

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

- The developer shall provide a septic tank with a capacity of at least 1,500 US gallons. The septic tank shall be constructed in strict accordance with the Authority's standards.
- The effluent from the septic tank shall be discharged into a disposal well. The disposal well shall be constructed in strict accordance with the Authority's standards. The discharge pipe from the septic tank shall enter the disposal well at a height of at least two feet above the water table level in the well.

Please be advised that this development is situated within the Water Authority's public water supply area and will be connected to the system upon request by the owner. The location of that connection will be at the discretion of the Water Authority.”

**LETTER OF VARIANCE**

“I am requesting permission to build an apartment on **BLOCK 24E PARCEL 64**.”
My reason for wanting to build this apartment is to have some form of financial help at my Retirement. It would be a form of investment.

There are other apartments on similar lot size in the area.

Sir your kind consideration would be greatly appreciated.

Thank you.”

**PLANNING DEPARTMENT ANALYSIS**

**Introduction**

The applicant is seeking planning permission to construct a single-storey building consisting of four (4) one (1) bedroom apartments. The Department has the following concerns:

**Lot Size**

In accordance with Regulations 9(8)(f), of the Development and Planning Regulations (2003 Revision) the minimum lot size for apartments is 25,000 sq.ft. The proposed lot size (14,374.8 sq. ft.) does not meet the minimum lot size for apartments. Thus the applicant is requesting a variance. The Department would like to note that there are apartments on similar lot size in close proximity.

**At 4:30 pm, Mr. Douglas and Mr. Barrington Fagan appeared before the Authority.**

CPA Summarized the intent of the application and indicated that there is a concern with the deficient lot size and the fact that there are mainly single family homes on the existing road.

Mr. Douglas Asked if that was a problem.

CPA Stated that in the Low Density Residential zone, a lot size of 25,000 square feet is required for apartments and his lot is only 14,374 square feet in size. Also, there are only single family homes on the street and apartments may not be compatible. Since the lot size is too small, he requires a variance and he needs to explain why it should be granted.

Mr. Fagan The person who did the drawings did not explain this problem to Mr. Douglas. Planning said if they took out one unit maybe it would be okay.

CPA The lot size is more suitable for a duplex.

Mr. Douglas Asked what is it that he can do.

CPA Replied that he could do a duplex, as his lot is large enough. With a dulex he wouldn’t have to notify adjacent land owners. If he wants the 4 apartments he needs to justify why a variance should be granted for the lot size.

Mr. Douglas He has a few dollars at the moment and thought he would invest into something like this. It is for his retirement.

CPA On the street there are only single family homes.

Mr. Douglas Someone is putting up 3 apartments in front of him.
CPA  Is the proposal for 4, 1 bedroom apartments.

Mr. Douglas  Yes.

CPA  So his justification for the lot size variance is that he needs the investment for his retirement.

Mr. Douglas  That is correct.

CPA  Thanked them for appearing and noted that they would be advised of the decision.

2. 23 GENE THOMPSON Block 11B Parcel 70 (F03-0366) (P05-1101) ($40,300) (CH)

Application for a cabana (commercial development).

Appearance at 2:50

Mr. Attlee Bodden declared a conflict and left the meeting room.

FACTS

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<tr>
<th>Location</th>
<th>Sea Grape Beach, West Bay Road, next to the Public Beach</th>
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<tr>
<td>Zoning</td>
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<td>Notice Requirements</td>
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<td>Advertisments</td>
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<td>Current Use</td>
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<td>Proposed Use</td>
<td>Cabana (Commercial)</td>
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BACKGROUND

June 1, 2005 (CPA/13/05; item 2.21) it was resolved to adjourn the application.

July 13, 2005 (CPA/16/05; item 2.22) the application was refused.

Decision: It was resolved to refuse the application, for the following reasons:
1. The proposed structure does not comply with the minimum high water setback requirements per Regulation 8(10)(e) of the Development and Planning Regulations (2003 Revision).

2. The proposal does not comply with minimum parking requirements per regulation 8(1)(iii) of the Development and Planning Regulations (2003 Revision).

3. The proposed structure represents over-development of the site and will result in excessive congestion on the beach, both of which are not consistent with Sections 2.3(c) and 3.04(c) of the Development Plan 1997, respectively.

The Authority wishes to remind the applicant of the right to appeal pursuant to Section 48(1) of the Development and Planning Law (2003 Revision). Such appeal shall be made by Notice in writing, and referred to as “Notice of Appeal”. It shall be signed by yourself or your attorney-at-law and filed along with the prescribed CI$50.00 filing fee, in the offices of the Permanent Secretary of District Administration, Planning, Agricultural and Housing within the fourteen (14) day period as stipulated in Section 48(1).

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

AGENCY COMMENTS

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

Chief Environmental Health Officer

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

1. The department has no objections to this proposal.”

National Roads Authority

“As per your memo dated September 29th, 2005 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations.

Traffic and Access Management Issues

Please note that our previous comments on the issue of splitting the development across West Bay Road, which will require pedestrians to cross a major arterial, (your reference File # F03-0366 (JAB)) sent to Planning on September 18th, 2003, still apply. Those previous comments were provided at the time in the context that West Bay Road is classified as a Primary Arterial Roadway. According to the Roads (Amendment) Law, 2004 (Law 11 of 2004), the attributes and characteristics of such a roadway are as follows:
**Primary Arterial Roads**

- Are designed to carry large amounts of traffic between major centres of activity;

- Are generally designed to accommodate levels of mobility of not less than forty miles per hours; and,

- Access to which is permitted by way of roundabouts, signals, collector or access roads, at access points approved by the Roads Authority.

- Note that the site plan shows a substandard driveway depth at the northern entry driveway. As a result of this substandard driveway design, the handicapped parking stall will create interference at the driveway with ingress traffic whenever vehicle back from this stall, and will also create an encroachment on the vehicular traffic of West Bay Road. Please have applicant revise the site plan accordingly to provide for safe traffic manoeuvres at this entrance by providing a minimum of thirty (30) ft driveway depth. There is sufficient land available to the applicant to comply with this requirement.

The one-way on-site circulation of the parking does not require a driveway aisle of twenty-two (22) feet especially since angled-parking is provided. Please have applicant provide signage and road markings clearly highlighting the use of a one way system on site.

West Bay Road is a fifty (50) feet road reserve; however, its purpose is to accommodate the drop off area lane. The current use of the shoulder for that purpose interferes with pedestrian flows whenever parked vehicles are observed at the site. As the Seven Mile Beach redeveloped with other tourism-related developments, provision of amenities that accommodate safe pedestrian flow is a reasonable expectation for our island visitors. Therefore, the NRA asks that the CPA requires the applicant to revise the site plan accordingly and to provide for a six (6) feet sidewalk constructed along West Bay Road, within the site's boundaries, in accordance with NRA standards.

**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. The applicant must therefore demonstrate that the addition's drainage systems can be self contained within the subject parcel. 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.
**Should the applicant elect to address site's drainage conveyance system by vertical wells, please provide 1 well per every 4,500 square feet of impervious surface area, which is the combined square footage for sidewalks, parking areas and roof area. Stormwater drains shall be located in the parking lot and soft landscaped areas with parking areas sloped towards the drains. The minimum specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in diameter.**

**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 both driveways for the parking lot) in order to prevent stormwater runoff from and onto West Bay Road.**

**Curbing is required for the parking areas to control stormwater runoff.**

**Roof water runoff should not drain freely over the parking area or unto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins in or near the parking lot. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.**

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads (Amendment) Law, 2004 (Law 11 of 2004). For the purpose of this Law, Section 16(g) defines encroachment on a road as

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

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

**Water Authority**

“Please be advised that the existing development is connected to the West Bay Beach Sewerage System (WBBSS). The Water Authority's Customer Service Department will determine any adjustment in sewer service charges. Customer Service may be contacted at 814-2144.”

**LETTER FROM APPLICANT**

“Enclosed please find an application to add a gazebo for shading between the existing Kitchen/Bar and Restroom Facility at Sea Grape Beach.
Please find enclosed drawings of this proposed structure for your information along with the land registry, site map and copies of notices used to notify adjoining property owners and the application fee of CI$163.20.

Due to Hurricane Ivan Sea Grape Beach lost a great majority of our sea grape trees that provided a shaded area between the buildings (See pictures). We have vigorously attempted to preserve the remaining trees that were left and also replanted several more however these will take a long time to grow and provide the shade that was there previously.

As one of the primary beaches used by the cruise ship passengers we have received numerous complaints about the lack of shade especially for older passengers that want to go to the beach but not necessarily be out in the sun. This has been an ongoing complaint and therefore to address this problem we feel that this gazebo would create the shaded area that passengers could sit under and enjoy the beach without being in the sun.

This concern has also been raised by shore excursion personnel from cruise line and enclosed is a letter from a Holland America shore excursions director who is requesting that some sort of shade be provided for the comfort of guest who wishes to visit our area.

I would also like to remind you that many passengers that are dropped off at the public beach end up using our facility as well, due to the lack of shade and also restroom facilities that are available there and this adds to the need for the additional facilities for our cruise ship guest that visit our island.

I would also like to make reference to the Courtyard Marriot which is approximately 600’ north of Sea Grape Beach that has a similar canopy between their two buildings to provide a shaded area for their guests.

We look forward to your favorable response to our application.”

**PLANNING DEPARTMENT ANALYSIS**

The applicant is seeking planning permission to construct a cabana (816 sq. ft); ancillary structure to a bar/kitchen development. The subject parcel is split zoned with West Bay Rd acting as a separation buffer between the two zones. The proposed cabana will be located on a small portion (approx. 18,000 sq.ft.) of the parcel, that is, the seaward side of West Bay Rd, where two buildings already exist. So far all structures are concentrated on the seaward side of the parcel. The Department has the following comments/recommendations regarding the application:

**Setbacks**

Regulation 8(10)(e) of the Development and Planning (2003 Revision) states that all structures and buildings including ancillary buildings shall be setback at a minimum of 130ft from the high water mark. The proposed cabana would be placed 64ft from the high water mark. It should be noted that the existing buildings (restroom and kitchen/bar) are setback 64ft and 75ft from the high water mark.
In accordance with Regulation 9(10)(g) the minimum rear setback, that is, from the road edge is 25ft. The cabana would be sited 19ft from the roadside parcel boundary. Existing structures are sited 12ft and 15ft from the road boundary. The Authority should decide whether they will allow an additional building to be placed within the setback boundaries.

**Seascape/Aesthetics**

Part 2.3 (c), of the Development Plan 1997, states that "The beaches of the Cayman Islands are an important national assets in which the rights of the public must be protected". Part 3.04(c) states "within the Hotel/Tourism Zone the Authority shall evaluate projects with an aim to prevent the over-development of sites and to ensure that the scale and density of development are compatible with and sensitive to the physical characteristics of the site." The Department is of the opinion that the proposed cabana in addition to the two existing structures is excessive for the beach and is not compatible and sensitive to the beachscape. The Department has noted that the applicant has stated (letter) that the main purpose of the cabana is to provide shade from the sun. We feel that temporary shade features such as umbrellas could be implemented instead of permanent structures like cabanas. The umbrellas would be more pleasing; would not require much disturbance to the beach formation, and could be easily removed if so desired. The Department would like to note that the public beach (Block 11B Parcels 8 & 37 see FA82-0329) is immediately south of the subject parcel and a planning application has been submitted for twelve (12) cabanas.

At 2:50 pm, Mr. Gene Thompson and Mr. Handel Whittaker appeared before the Authority.

**CPA** Summarized the application and asked them to present the application.

**Mr. Thompson** The reason for the structure is to provide shade. They have two more letters from the cruise lines asking them to provide more shade. They lost many trees after Ivan and have replanted some, but they still get complaints that there is a lack of shade. The seaside setback is the same as what exists and it would not be any closer to the road than what exists.

**Mr. Whittaker** He received a notice that cabanas are being proposed for public beach – they are rightfully needed. They have between 300 and 500 people on the beach when there are between 5 and 7 cruise ships in harbour. Many of these people are elderly and they need shade. Holiday Inn put up a similar structure only 300’ away. They have some tents with tables to provide some shade, but they need more.

**Mr. Thompson** The structure will benefit them, but there will be a cost. They are just trying to respond to the cruise lines.

**CPA** Asked if the umbrellas don’t work.

**Mr. Thompson** Replied that when the wind picks up they break up. They have bought about 1000 of them so far. Also, there is not enough room under them.
Mr. Whittaker  They used to have umbrellas in the picnic tables, but they lost a lot of them because of the wind. That is why they want the structure.

CPA  Are the tents that are there now legal.

Mr. Whittaker  He views them as removable structures, they can be set up and taken down in 10 minutes and that is why he didn’t seek CPA approval.

CPA  He should be aware that they shouldn’t have been erected without approval.

Mr. Whittaker  It seems to be a grey area in that it is similar to a large umbrella and you don’t need permission for an umbrella.

CPA  But the tent is permanent.

Mr. Whittaker  Perhaps, but it can be taken down in the evening. The bottom line is tourism – if you want it then they need to provide shade. Since the tents have been there they have heavily utilized be a variety of social groups. They are beneficial for the whole Island.

CPA  Was the restaurant/bar only approved for 5 years.

Mr. Whittaker  That is correct.

CPA  A lot of people park in front of the site along the road and this needs to be policed better.

Mr. Whittaker  They do have a parking lot across the street and he wasn’t aware that parking was a problem.

CPA  The parking in front was meant for buses.

Mr. Whittaker  Yes, there is space for 3 buses. But a crowd draws another crowd and it is difficult to control.

Mr. Thompson  They have met with the taxi association to ensure that this parking area was used in an orderly manner, but the association has fallen apart and now it is just on an honour system. Some of the scalper taxis just do what they want.

CPA  It is his property and he must control it.

Mr. Thompson  He agrees, but it can be difficult.

Mr. Whittaker  They only own 125’, they can’t control what happens up the street.

CPA  They are only asking them to control their 125’. They need to control that area as a drop off zone, not as extra parking spaces. Thanked them for appearing and noted that they would be advised of the decision.

The Authority discussed the application further and determined that they could not support the application for the following reasons:

1. The proposed structure does not comply with the minimum high water setback requirements per Regulation 8(10)(e) of the Development and Planning
Regulations (2003 Revision).

2. The proposal does not comply with minimum parking requirements per regulation 8(1)(iii) of the Development and Planning Regulations (2003 Revision).

3. The proposed structure represents over-development of the site and will result in excessive congestion on the beach, both of which are not consistent with Sections 2.3(c) and 3.04(c) of the Development Plan 1997, respectively.

### 2. 24 RONNIE DUNN Block 9A Parcel 14 (F05-0097) (P05-0296) ($0) (BES)

Application to modify planning permission to reduce the lot sizes.

**FACTS**

**Location** Adonis Dr. West Bay

**Zoning** LDR

**BACKGROUND**

May 21, 1997 (*CPA/17/97; item 5.02*), CPA approved a subdivision (6 lots) with conditions and condition (1) stipulated that:

1) The lots shall be a minimum of 12,500 sq. ft. in size and shall have a minimum width of 100 feet.

April 20, 2005 (*CPA/09/05; item 2.7*), CPA modified planning permission delete condition (5) - a T stop at the end of the subdivision road.

October 5, 2005 (*CPA/24/05; item 2.30*), CPA modified planning permission to allow the lot sizes as shown on the plan date stamped Sept. 15, 05, and that a revised plan showing the access road as a separate road parcel.

**Decision:** It was resolved to adhere to the Authority’s decision of October 5, 2005 at CPA/24/05; item 2.30.

**PLANNING DEPARTMENT ANALYSIS**

The applicant has submitted to the Department a letter in response to (CPA/24/05; item 2.30) October 5, 2005 decision, as follows.

"We refer to the CPA’s letter of Octobe 20th 2005. The imposition of this new condition is going to cause my client extreme hardship and embarrassment, and we request that this matter be put forward to the CPA for review again with Mr. Dunn being given the opportunity to present his case.

For you information we enclose historical correspondence dealing with this Application.

The original applicant for this subdivision was Mr. Keith Collings and we attach
a copy of our original covering letter dated 30th Jan 1997. When applying for the
original Subdivision Application we knew, even by using the Registry Map of the
time that we could not create 6 lots of >12,500 sq. ft. and provide a 30’ access
road. It was also evident that attempting to do this would have turned the
development into a Major Subdivision requiring Mr. Collins to give up 5% of the
development as LPP. The CPA at the time duly considered these factors and gave
us Conditional Approval, allowing us to create 6 lots without providing a
separate road parcel.

In early 2005, Mr. Dunn purchased this development from Mr. Collins on the
understanding that the initial Approval was still “alive” as we had done some
preliminary work in mid-1997. On this basis Mr. Dunn commenced pre-selling
the lots and installing the necessary infrastructure.

The original Approval of 1997 required the access easements to go all the way to
the western boundary of the development. However, by the time Mr. Dunn
purchased the property in 2005, subdivisions had occurred adjacent to the
southern & western boundaries which made this requirement redundant as those
adjacent parcels had alternative access. Therefore on 17th Feb. 2005 we wrote
requesting an amendment to the original Approval to shorten the access road but
still keeping the reciprocal access easements instead of a dedicated road parcel.
This was duly approved by the CPA on April 29th 2005.

It was not until we compiled the relatively new survey work on the adjacent
parcels with the original provisional survey work that we carried out in 1997 did
we realize that the Registry Map was in error and that we could not create 6 lots
of >12,500 sq. ft. Please see attached letter dated 30th August 2005, which details
this and requests a Variance in this matter for lot sizes only.

In summarizing we feel the imposition of a separate road parcel at this point in
time is unreasonable for the following reasons:

- In our Applications of 30th Jan 1997 & Feb 2005 it was not required.
- The road is a cul-de-sac and will not serve any further developments.
- Mr. Dunn has purchased the development and pre-sold these lots on the basis
- The introduction of roadside boundaries will bring into play revised set-back
  requirements.

We look forward to Mr. Dunn being given an opportunity to present his case in
front of the CPA.

2. 25 MICHAEL ALBERGA Block 11D Parcels 32 and 30 (FA81-0119) (P05-1136)
($15,000) (CH)

Application for four commercial lots.

FACTS
**Location**  
Between Peninsula Ave and West Bay Rd.

**Zoning**  
N COM

**Parcel Size**  
8.9780 acres

**Number of Lots**  
4

**BACKGROUND**

**November 16, 2005** – The application was adjourned to receive comments from the National Roads Authority.

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

1) The applicant shall submit a revised plan showing the 30’ access to lot B as a separate parcel and extended to lot C.

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

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.

**AGENCY COMMENTS**

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

**National Roads Authority**

“As per your faxed memo of November 1st, 2005 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations.

Lot "D" as shown on the site plan appears to be a provision for accommodating NRA plans for the extension of the Esterley Tibbetts Highway. Please have applicant confirm. Please find attached a sketch of the proposed extension of the Esterley Tibbets Highway.

The access roadway as proposed is only thirty (30) ft in width and needs to be forty (40) ft in width with a fifteen (15) ft truncation onto West Bay Road in order to accommodate commercial development. Please have applicant revise accordingly.

Access for the four (4) commercial lots can be provided one of two ways:

1. Access can be provided onto the proposed forty (40) ft roadway or

2. A left in/left intersection can be provided onto Peninsula Avenue.”
Water Authority

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

- The developer shall contact the Cayman Water Company regarding connection to their piped water supply system.”

PLANNING DEPARTMENT ANALYSIS

The applicant is proposing to subdivide 8.978 acres of land into four commercial lots. The subject parcels are zoned Neighbourhood Commercial hence the newly created parcels will be designed Neighbourhood Commercial. The proposed lots are various lot sizes with lot "A" = 155,818 sq. ft; lot "B" = 121,862 sq. ft; lot "C" = 56,435 sq. ft. and lot "D" = 56,740 sq. ft.

The Department would like to note that lot "D" would be affected by the future widening of Peninsula Rd. Almost half of lot "D" would be eliminated to accommodate the proposed road. Again to develop the site would require a 20’ setback from the new road, which may create difficulty in site layout. The Department has discussed the aforementioned with the applicant/agent who indicated that they are aware of the future road widening and lot "D" is designed to facilitate such.

SUPPLEMENTARY ANALYSIS

The subject application was adjourned (CPA/30/05:item 2.23) in order to receive comments from the National Roads Authority (NRA). Subsequently, the applicant revised the site plan to make lot "D" sufficient width to accommodate the future road (Peninsula Ave). The NRA is satisfied that lot "D" will adequately accommodate the future road. The Department has no further concerns with the proposal.

2. 26 CARIBBEAN PROPERTY CORPORATION Block 14E Parcel 4 (FA82-0009) (P05-1208) ($8,000,000) (KG)

Application for twenty three (23) apartment units, pool, two cabanas and a existing sea wall to be retained.

FACTS

<table>
<thead>
<tr>
<th>Location</th>
<th>South Church Street, South Sound.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>BR/R</td>
</tr>
<tr>
<td>Notice Requirements</td>
<td>No Objectors</td>
</tr>
<tr>
<td>Parcel Size</td>
<td>1.5000 acres</td>
</tr>
<tr>
<td>Current Use</td>
<td>Hotel</td>
</tr>
<tr>
<td>Proposed Use</td>
<td>Apartments</td>
</tr>
<tr>
<td>Building Size</td>
<td>49,737 sq. ft.</td>
</tr>
</tbody>
</table>
Decision: It was resolved to adjourn the application, for the following reason:
1. Comments from the National Roads Authority are required regarding a comprehensive approach to traffic management along South Church Street.

AGENCY COMMENTS
Comments from the Chief Environmental Health Officer and Water Authority are noted below.

Chief Environmental Health Officer
“The following comments are submitted with respect to the above application:

Solid Waste
1. The access to the enclosure shall be kept clear at all times.
2. The container must be located so that the vehicle can access the container directly and have adequate room to lift it into the discharge position.
3. There shall be no overhead power lines, canopies, and other protrusions that can cause electrical shock, injury, or other difficulties during servicing of the container.
4. The enclosure shall be designed to comply with the department's guidelines.
5. The enclosure shall have internal dimensions of 10 ft by 10 ft and a height of 5 ft 6 in.
6. The floor slab shall be constructed of reinforced concrete and shall be at least 6 inches thick.
7. The facility shall be designed with a drain and an approved wastewater disposal system.

Swimming Pool
1. A complete set of plans shall be submitted for the pool. The plans shall be
drawn to a minimum scale of ¼ inch to 1 foot and shall show both top and profile view, and shall include full plumbing details.

2. The following minimum data for each pool or spa proposed shall be included in the above mentioned plans:

- The surface area of the pool
- The volume of water in the pool
- The design recirculation period
- The design pump flow rate
- The total dynamic head in the recirculation system
- The pump curve for the selected pump
- The pump horsepower rating
- The selected pump and motor efficiency
- The type of filter
- The minimum filter area
- The total flow rate through the main drain
- The diameter of the main drain
- The velocity of flow through the main drain
- The number of elbows, tees, and valves on the main drain line
- The dimensions of the main drain grate
- The velocity of flow through each main drain grate
- The number of inlets.
- The total flow rate through the return lines
- The rate of flow through each return line
- The diameter of the return lines
- The velocity of flow through each return line
- The rate of flow through each return line
- The number of elbows, tees, and valves on each return line
- The length of each return line
- The number of skimmers
- The total flow rate through the skimmer system
- The rate of flow through each skimmer
- The diameter of the skimmer lines
The velocity of flow through each skimmer line  
The rate of flow through each skimmer line  
The number of elbows, tees, and valves on each skimmer line  
The length of each skimmer line  
The maximum bather load  
The locations of stairs, ladders, grab rails, and handrails.  
The location of depth markers.  
The width of the pool deck  
The pool deck drainage plan  
Specifications for chlorinator or other disinfection system provided.  
The type of flow meter  
The influent and effluent pressure gauges.”

Water Authority

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

- The developer shall provide an on-site aerobic wastewater treatment system(s) with a treatment capacity of at least 7,200 US gallons per day (gpd). The required capacity is based on the following:
  - The treatment system(s) shall be designed to produce an effluent quality of 30 mg/l BOD5 and 30 mg/l Suspended Solids.
  - Prior to installation, the developer shall provide detailed information on the proposed treatment system(s) to the Water Authority for approval.
  - Adequate area shall be reserved for the treatment system(s). The location shall comply with the minimum setback requirements of the Planning Department. Special consideration shall be given to the elevation of the treatment system, relative to the elevation of the local water table.
  - All treated effluent shall be discharged into a disposal well. 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. Discharge into the disposal well shall be by gravity-flow. 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; the location shall comply with the minimum setback requirements of the Planning Department.
  - If a lift (pumping) station is required as part of the wastewater collection system due to elevation and/or length of run, it shall be installed upstream of the treatment system, to meet the above requirement that the discharge from
the treatment system to the disposal well is gravity-flow. Full details of any proposed pumping station (i.e., size of wet well and pump specifications) shall be submitted to the Water Authority for approval.

- The treatment system(s) shall have easy access for operation, maintenance, inspection and sampling. It is strongly suggested that the system be installed in a secure manner to prevent tampering or accidents.

Please be advised that the above property is situated within the area presently supplied with piped water and will be connected to the Water Authority's Public Water Supply system upon request by the owner.”

**PLANNING DEPARTMENT ANALYSIS**

**Major Development Consideration**

Pursuant to Section 6 of the Development and Planning Law (2003 Revision), the Central Planning Authority has the responsibility of reviewing major development applications with respect to their potential impact on the infrastructure of the Island. The subject application qualifies as a major application with respect to Section 6 (2) (e). Accordingly, the Authority must review this application with specific consideration given to Sections 6 (1), (3), (4), (5), (6) and Section 7. The following chart has been formulated to assist the Authority in reviewing the application with respect to the aforementioned sections of the Law. The Department has included its reasoned recommendations for each section of the Law for the Authority’s consideration.

**CHART A**

<table>
<thead>
<tr>
<th>Sec 6 (1) (a)</th>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Response:</strong> Other than additional traffic, impacts would be minimal.</td>
</tr>
<tr>
<td>Sec 6 (1) (b)</td>
<td>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:</td>
</tr>
<tr>
<td></td>
<td><strong>Response:</strong> There are no such aspects.</td>
</tr>
<tr>
<td>Sec 6 (1) (c)</td>
<td>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:</td>
</tr>
<tr>
<td></td>
<td><strong>Response:</strong> There are no such aspects.</td>
</tr>
</tbody>
</table>
CHART A (cont’d)

<table>
<thead>
<tr>
<th>Sec 6 (1) (d)</th>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Response: Not applicable</td>
</tr>
<tr>
<td>Sec 6 (1) (e)</td>
<td>Assessed the importance to be attached to those considerations or aspects and found that:</td>
</tr>
<tr>
<td></td>
<td>Response: Not applicable</td>
</tr>
<tr>
<td>Sec 6 (3)</td>
<td>The Authority is informed that the Law gives the Authority the discretion whether to permit the applicant for planning permission an opportunity to appear before the Authority and to be heard by five or more Members of the Authority and decided that:</td>
</tr>
<tr>
<td></td>
<td>Response: No were received from adjacent landowners</td>
</tr>
<tr>
<td>Sec 6 (4)</td>
<td>The Authority considered whether the development proposed in the application should instead be carried out at an alternative site and found that:</td>
</tr>
<tr>
<td></td>
<td>Response: No other site was proposed.</td>
</tr>
<tr>
<td>Sec 6 (5)</td>
<td>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:</td>
</tr>
<tr>
<td></td>
<td>Response: No further research required</td>
</tr>
<tr>
<td>Sec 6 (6)</td>
<td>The Authority noted that it may hold an inquiry, if it thinks it necessary, for the proper discharge of its functions and decided that:</td>
</tr>
<tr>
<td></td>
<td>Response: Not required</td>
</tr>
</tbody>
</table>

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 thus far.

On October 24, 2005, an application was filed requesting planning permission to raze the existing Seaview Hotel and rebuild within the same footprint. The applicant is also requesting permission for a pool and two cabanas and permission to construct a new dock over the existing concrete path way. The site plan also
indicates an existing sea wall to be retained which was confirmed by visiting the property.
The Department has no concern with the application as all planning requirements are met.

2. 27 LEO CLUB OF GRAND CAYMAN Block 11B Parcels 8 and 37 (FA82-0329) (P05-1216) ($150,000) (CH)

Application for twelve (12) cabanas.

**FACTS**

- **Location**: Public Beach, West Bay Rd.
- **Zoning**: POS
- **Notice Requirements**: No Objectors
- **Advertisements**: NA
- **Parcel Size**: 3.2500 acres
- **Current Use**: Public Beach
- **Proposed Use**: Public Facility - Cabanas
- **Building Size**: 2,947 sq. ft.
- **Building Coverage**: 3%
- **Parking Coverage**: 15%
- **Total Site Coverage**: 18%
- **Proposed Handicapped Spaces**: 5
- **Proposed Parking**: 56
- **Required Handicapped Spaces**: 3
- **Required Parking**: 28

**BACKGROUND**

- **August 24, 1982** the Authority granted planning permission for beach project.
- **February 25, 1985 (CPA/8/85; item 6.4)** the Authority resolved to grant planning permission for a bus shelter.
- **April 30, 1986 (CPA/17/05; item 2.23)** the Authority resolved to grant planning permission for a playground.

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

1) The applicant shall submit a revised plan showing the northerly most cabanas with a minimum setback of 75’ from the high water mark.
2) Prior to construction approval shall be obtained from the Chief Building Control Officer regarding construction details.

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.

4) The parking lot shall be provided with tire stops in a manner to obtain as many functional parking spaces as possible. The applicant is directed to liaise with the Department in this regard.

AGENCY COMMENTS

Comments from the Chief Environmental Health Officer are noted below.

Chief Environmental Health Officer

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

1. The department has no objections to the proposals contained in this application.”

PLANNING DEPARTMENT ANALYSIS

The applicant is seeking planning permission to reconstruct 8 cabanas and to add four new ones. The structures are open with two 10" diameter utility poles with shingles on 1 layer of grace ice and water shield on 5/8" ply on timber rafters. The Department has the following comments/recommendations:

Setbacks

The subject parcels are designated Public Open Space, however they are in the midst of the Hotel Tourism Zone. The Authority should determine whether they will apply Regulation 8(10)(e) of the Development and Planning Regulations (2003 Revision), which applies to Hotel Tourism Zone, where all structures shall be setback a minimum of 130 ft from the high water mark; or whether to apply Regulation 8(10)(b), which applies to areas where the shoreline is beach; all structures shall be setback a minimum of 75 ft from the high water mark. The Department recommends that all the cabanas comply with the minimum setbacks.

Parking/Sidewalk

Site visit reveals that significant amount of beach sand extends up to the edge of the road. In accordance with Part 2.3 (c), of the Development Plan 1997, the beaches are considered national assets, and steps must be taken to prevent the removal of sand from the beach; to preserve the beach ridge and to control the spreading of litter. The parking area is shown within areas with significant amount of beach sand; the Department is of the opinion that the parking area is excessive (35,100 sq.ft.), spanning almost the entire width of both parcels. The required number of parking is at the discretion of the Authority; the Department recommends that the parking be reduced to 28 stalls and provisions made for bus bay to accommodate a maximum of four buses. This will ensure less area used
for parking and more beach sand to be retained.

Sidewalks should be provided along the road side parcel boundary. The entrance and driveway should be maintained at 22ft.

Other concerns

The Department has noticed that provisions are made for handicap parking. However we recommend that ramps be implemented leading to the cabanas from the parking stalls denoted as "10", "11" and "12".

2. 28 LANDLOCK II LTD. Block 8A Parcel 7 (F99-0391) (P05-1229) ($1,500,000) (CH)

Application for cottage development: Four (4) units; three (3) cabanas; and a reception building; swimming pool; and 6ft high chain link fence.

FACTS

Location: Conch Point Road near to Capt Reginald Parsons Drive and Powery Road

Zoning: H/T

Notice Requirements: No Objectors

Parcel Size: 2.3300 acres

Current Use: Vacant

Proposed Use: Cottage

Building Size: 7,284 sq. ft.

Density: 2

Allowable Density: 10

Building Coverage: 7%

Parking Coverage: 8%

Total Site Coverage: 15%

Proposed Handicapped Spaces: 1

Proposed Parking: 7

Required Handicapped Spaces: 1

Required Parking: 6

Number of Units: 4

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

In addition to Building Permit requirements, conditions (1-5) listed below shall be
met before a Building Permit can be issued.

1) The applicant shall submit a revised site plan showing a 6’ public access to the sea along the westerly property boundary.

2) Construction drawings for the proposed swimming pool and details of the cistern shall be submitted to the Chief Building Control Officer, and to the Department of Environmental Health for approval.

3) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating the location of material storage and parking during the construction phase.

4) The applicant shall submit, in accordance with the requirements of the National Roads Authority, a Stormwater Management plan designed to contain storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties that are lower, and/or surrounding roads, are not subject to stormwater runoff from the subject site. The plan shall include provisions for controlling roof runoff.

5) The applicant shall submit a landscape plan which shall be subject to review and approval by the Director of Planning.

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

7) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans which you will receive when all of the above conditions are complied with.

Additionally, once construction has started, conditions (8-14) shall be complied with before a final Certificate of Occupancy can be issued.

8) The 6’ public access required in condition 1) above shall be registered.

9) The applicant shall provide a sewage treatment facility in accordance with the requirements of the Water Authority.

10) The parking lot and driveway aisles surfaced with asphaltic concrete or equivalent and tire stops provided for each parking space which shall be striped.

11) The approved stormwater management system shall be installed on site.

12) Construct a gentle 'hump' at the entrance (along the entire width of the driveway) in order to prevent stormwater runoff from and onto South Church Street.

13) Curbing is required for the driveway and parking areas to control stormwater runoff.

14) At a minimum, the applicant shall provide 1 drain well per every 4,500 square feet of impervious surface area, which is the combined square footage for
sidewalks, parking areas and roof area. Stormwater drains shall be located in the parking lot and driveway with parking areas sloped towards the drains. The minimum recommended specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in width.

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

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

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

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

To prevent potential delays and save money, the applicant may wish to coordinate with the following agencies prior to commencing any construction: Caribbean Utilities Company, Cable & Wireless and the Cayman Water Company and/or the Water Authority - Cayman.

AGENCY COMMENTS

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

Chief Environmental Health Officer

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

1.0 Solid Waste

1. The solid waste enclosure shall be designed to house six garbage bins. A minimum dimension of 2.5 ft by 2.5 ft is required for each bin. The following minimum design standards shall be met:

- Enclosures should be made of durable, and easily cleaned materials.
- Where enclosures are made with concrete bases the floor should have a minimum slope of ¼ in to a foot and be provided with a drain to an approved disposal system.
- Where enclosures are made of wood or other durable material, the bottom of the enclosure should be a minimum of 6 in from the ground. The members should be space not less than ¼ inches and not more than 1 inch apart.
- Enclosures should be fixed securely to ensure that they could not be overturned under the weight of a child.
• Where no door is provided for the enclosure the height of the enclosure should not be more than 3 feet.

2.0 Pool and Spa

1. Insufficient details have been submitted for the pool to determine whether the pool with conform to public health requirements as stated in the Public Health Law (2002 Revision). In order to complete assessment of the pool and spa the following information is required:

a. Plans and specifications for the pool drawn to a minimum scale of ¼ inch to 1 foot showing both top and profile view, and full plumbing details.

b. Plans and specifications for the spa drawn to a minimum scale of ⅛ inch to 1 foot and showing both top and profile view, and full plumbing details.

c. The following minimum data for each pool or spa proposed shall be included in the above mentioned plans:
   • The surface area of the pool
   • The volume of water in the pool
   • The design recirculation period
   • The design pump flow rate
   • The total dynamic head in the recirculation system
   • The pump curve for the selected pump
   • The pump horsepower rating
   • The selected pump and motor efficiency
   • The type of filter
   • The minimum filter area
   • The total flow rate through the main drain
   • The diameter of the main drain
   • The velocity of flow through the main drain
   • The number of elbows, tees, and valves on the main drain line
   • The dimensions of the main drain grate
   • The velocity of flow through each main drain grate
   • The number of inlets.
   • The total flow rate through the return lines
   • The rate of flow through each return line
   • The diameter of the return lines
   • The velocity of flow through each return line
• The rate of flow through each return line
• The number of elbows, tees, and valves on each return line
• The length of each return line
• The number of skimmers
• The total flow rate through the skimmer system
• The rate of flow through each skimmer
• The diameter of the skimmer lines
• The velocity of flow through each skimmer line
• The rate of flow through each skimmer line
• The number of elbows, tees, and valves on each skimmer line
• The length of each skimmer line
• The maximum bather load
• The locations of stairs, ladders, grab rails, and handrails.
• The location of depth markers.
• The width of the pool deck
• The pool deck drainage plan
• Specifications for chlorinator or other disinfection system provided.
• The type of flow meter
• The influent and effluent pressure gauges.

3.0 Cistern

The proposal shows a cistern but does not give any details about the proposed use. It must be determined whether such a facility is to be used for drinking or domestic purposes and whether the design of the facility will be such the use of this facility will not render the water prejudicial to health in contravention of Public Health Law (2002 Revision) Part III - Nuisances, Section 7, Subsection (2)(d).

The applicant is shall submit to the department written documentation stating the proposed use of the cistern. If the facility is to be used for domestic purposes then all relevant drawings and specifications for the cistern shall be submitted for review and approval by the department. The specifications shall include information on the peak flow rates, pump horsepower rating, pressure tank details, method of filtering water, method of disinfecting water supply, and plumbing details.”

National Roads Authority

“As per your memo dated November 4th, 2005 the NRA has reviewed the above-
mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

**Road Capacity Issues**

The traffic demand to be generated by a residential development of only 4 multi-family units can easily be determined. Assuming a worst case traffic generation scenario, the proposed development is being reviewed as an apartment complex project in accordance to 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.

Based on these estimates, the impact of the proposed development onto Conch Point Road is considered to be minimal. Thus, roadway capacity is not an issue for this apartment complex.

**Access and Traffic Management Issues**

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 Conch Point Road, within the property boundary, to NRA standards.

**Stormwater Management Issues**

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff within the subject parcel and retain existing drainage characteristics of the site as much as is feasible through innovative design and use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is no worst than pre-development runoff. To that effect, the following requirements should be observed:

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace stormwater 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.

- Should the applicant elect to address site's drainage conveyance system by vertical wells, please provide 1 well per every 4,500 square feet of impervious surface area, which is the combined square footage for sidewalks, parking areas and roof area. Stormwater drains shall be located in the parking lot and soft landscaped areas with parking areas sloped towards the drains. The minimum specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in diameter.

- 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 (along the entire width of the
driveway) in order to prevent stormwater runoff from and onto Conch Point Road.

- 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 in or near the parking lot. 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

Introduction

The applicant is seeking planning permission for cottage development consisting of five buildings; four cottages and one reception building. The proposal also includes three cabanas, a 5ft high chain link fence along the western parcel boundary and a swimming pool. The subject development falls under Regulation 32 of the Development and Planning Regulations (2003 Revision) where the owner is to set aside and dedicate a 6ft wide public right of way leading from the road to the sea; the applicant has complied with the aforementioned regulation.

Setbacks

In accordance with Regulation 8(10)(e) of the Development and Planning Regulations (2003 Revisions) all structures and buildings up to three storeys, including ancillary buildings, shall be setback a minimum of 130ft from the high water mark. The applicant is proposing to locate two of the cabanas 60ft and 62 ft from the high water mark. The cabanas are open structures with two 10" diameter concrete columns and metal roofing panels on ¾" plywood on engineered timber trusses. The Authority should determine whether they would grant a setback variance for the cabanas.
Application for three (3) gates.

**FACTS**

*Location*  
Patricks Avenue, Windswept & Poindexter Road.

*Zoning*  
LDR

*Current Use*  
Road

*Proposed Use*  
Gates

*Height*  
7'-3'

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

**AGENCY COMMENTS**

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

**National Roads Authority**

“As per your memo dated November 7th, 2005 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations.

A section of Poindexter Road is designated as a private ROW but the road as a whole is public and gives traffic on Poindexter Road a second means of access by providing two routing choices which contributes to a better spread of traffic demand loads on the road network. The road also provides interconnectivity between neighbourhoods, which would be lost if restrictive gateways were constructed at these locations.

Therefore, the NRA does not support the placement of entry gates on Poindexter Road.”

**Chief Environmental Health Officer**

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

1. The erection of gates for the community can create an impediment for the garbage trucks trying to access the development for the collection of solid waste. The applicant shall submit to the department a proposal which outlines how this matter will be resolved to the satisfaction of the department.”

**PLANNING DEPARTMENT ANALYSIS**
The applicant is requesting the Authority’s permission to construct three (3) gates at the entrances of Patrick Island's subdivision.

The first gate (Main Entrance #1 on Patrick's Avenue) is proposed next to the existing guard house located on Patrick's Avenue. The second gate (Poindexter & Windswept) is proposed next to the guard house on Poindexter Road near to the junction of Poindexter and Windswept. The third gate (Poindexter and Amity) is a double gate proposed near to Poindexter Road & Amity Street.

The gates are made of aluminium swinging gates, motor and remote controlled with concrete columns of over 7.3ft in height. The Department would bring to the Authority's attention that extensive debates have been conducted on the pros and cons of gated communities; some pros being privacy, security and exclusiveness and some cons being segregation, impeding emergency vehicular access, isolation etc. While the Department empathises with the affected area regarding "recent events", these events are not exclusive to this area. The Department recognises the fact that our national figures should be protected, however, the entire country could be affected by the proposal; therefore, the Department cannot support the proposed for the following reasons:

**Security**- while the Department may agree that gates offer some degree of deterrence to certain "opportunistic crimes", we feel that the gates will not deter a determined criminal from reaching its target, furthermore, the area is also accessed by a canal that criminals could use easily to accomplish their intended purpose.

**Recreational**- the area is also used by walkers, joggers and some cycling, if the Authority was to grant permission this would close this area to the larger community of Prospect, Omega and Bonnieview Estates.

**Emergency Route**- the second and third gate would tremendously impede this area of the existing route or a potential route that could be used in emergency situation, the Authority is reminded of the recent devastation of Hurricane Ivan where the entire Shamrock Road (Spotts straight) was closed by debris.

**Evacuation route**- Poindexter road currently serves the Prospect Primary School, which also serves as one of the largest shelters on the island; allowing Poindexter to be blocked would be of a disservice to the entire country.

**Isolation**- the island itself has limited spaces for locals and visitors to freely move around, if the Authority sets the country on this trend to become inaccessible, one can only image the consequences on the real estate, social and economic benefits that could be lost from inaccessibility by potential investors local and foreign alike.

**Infrastructure strain**- despite the existing situation of "current events" the Department is of the opinion that this action could severely put further strain on an already over burdened infrastructure and could further affect the eastern district traffic flow if (all) traffic is redirected onto Shamrock Road. Despite that, there is a small percentage of traffic flow through Poindexter Road both in the mornings and in the evenings accessing the Prospect Primary School.
**Proliferation** - the Department is concerned about the potential proliferation of applications for existing subdivisions being converted to gated communities. If this is the message that is sent to other communities as the solution to "current events", surely this would send the wrong message to the Cayman community and internationally. Furthermore, is this the type of community that we wish for our visitors to see and our residents to live in?

**Lands for Public Purposes** - there are about eight (8) LPP lots in the subject area that would become inaccessible to the general public, thus defeating the purpose of a substantial amount of land that is set aside and could be developed to enhance the ambiance of the area.

**Affected Parcels** - it is also brought to the Authority attention that the proposal could affect approximately one hundred and sixty-five (165) parcels, and there are no notices served or letter of consent on the affected parcels; with about 67 parcels on Patrick Avenue, 73 parcels on or off Windswept Drive and about 25 between Poindexter Road and Amity Street.

**Private Parcel** - The above mentioned portion of "Poindexter Road" is still in private ownership (parcels 473 and 323 rem 2), and the Authority is aware that there is no system in place for such roads to be transferred from private to public ownership. If the Authority was to grant permission, what would stop Prospect Park, and other subdivisions in the area from seeking the same "protection" mindful that there are other high profile individuals of national importance that live in these other communities.

**Emergency Access** - how would the affected area be accessed by emergency vehicles? Who would take responsibility for any loss or damage incurred if emergency vehicle cannot access a property or to save a life? Will the proposed gates have backup power to insure 24/7 access?

**Other deterrence** - the Department is of the opinion, that the area could be better served by live cameras, neighbourhood watch program, neighbourhood alarm and security system, more police presence or perhaps wall (gated) fence around individual parcels, which have proven to work to some degree, however, there are no fail proof systems in place and a gated community is not the answer.

**Development Plan and Regulations**

There are several sections in The Plan and Regulations that speak to road networks and unterconnectivity and the proposal would not be consistent with these provisions.

The Authority is reminded of the following;

1. Similar application have been refused in the pass, even on a much smaller scale.
2. CPA has traditionally refused gated communities.

**Summary**

Again, the Department is of the opinion that if approved, the proposal would have
dire and negative consequences far beyond the Patrick's Islands (Spotts) community. Such a move to block or make Poindexter Road inaccessible to the general public is of national importance and therefore the Authority should bear this in mind. If the Authority was to take into consideration the above mentioned, one can only conclude that gated communities in the Cayman Islands are not conducive to the peace and tranquillity that we promote both locally and internationally and it goes against our traditional way of life.

This is not a proposal to fence off a large parcel of land to identify boundaries, this is not a proposal to fence off a portion of land to keep a herd of cattle in confinement, this decision will have a negative impact on the traditional way of life in Cayman for generations to come, therefore the Department cannot support this proposal that would eventually change the character of Cayman.

2. 30 ROBERT TOTTEN Block 5C Parcel 123 (F04-0165) (P05-1304) ($80,000) (CH)

Application for a 6’ high concrete wall.

FACTS

Location: Between Drifter’s Cove and the Government Cemetery, West Bay

Zoning: H/T

Notice Requirements: NA

Height: 6’

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

1) The applicant shall submit revised drawings showing:
   a) The wall setback a minimum of 130’ from the high water mark.
   a) The wall situated no closer to the road than the closest point of the building.
   b) In the area near the road, the wall shall be the same height as the existing cemetery wall.

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.

LETTER FROM APPLICANT

“The purpose of this letter is to outline the construction procedure for the construction of a masonry block wall along the boundary of the Sea Breeze
Condo site and the West Bay Cemetery.

The wall shall be constructed as per your design drawings. The height of the wall shall be 6 ft and comprised of 8” concrete blocks, stacked on top of a sub-grade counterweight footing. Due to the sensitivity of the Cemetery, the following construction procedures will be strictly adhered to during the construction process.

1) All materials will be stored on the Sea Breeze site. No materials will be placed on the cemetery property.

2) All concrete block will be laid by personal standing on Sea Breeze property.

3) The greatest of care will be taken to avoid any material debris from falling onto the cemetery property. If such material should fall, it will be cleaned up immediately.

4) Construction shall be suspended during burial proceedings, if the burial is within close proximity of the wall construction.

5) Graves that are too close or have encroached over the property line will be protected with plywood and tarp during the period of wall construction in those areas. Family plots will be spanned using wood beams and plywood to avoid any contact with the vaults during the rendering stage of the wall.

6) At completion, all loose render, concrete chips etc will be collected from the cemetery side, leaving the area free of any wall construction debris.

7) The Construction crew shall be at all times respectful of the graves and family members that might be visiting the cemetery.”

LETTER FROM ADJOINING LANDOWNER

“Before proceeding to the next step in this process, the confirmation with a Government Minister and two Elected Representatives to what is proposed, I seek approval from you as representative of the proprietor of Parcel 5C/123 to those same proposals. I include below, therefore, an extract from the memorandum prepared for their approval. That memorandum will be sent, only when I have your agreement to the terms detailed therein. The plan referred to shows in more detail the proposed position of the wall relative to existing structures and the boundary, along with the proposed easement areas.

Please review the following extract and confirm, if you are able, your agreement to the details as written:-

As promised, I now place on record for confirmation of your agreement, the details of this proposal along with a plan in support of my explanation. Our intentions are as follows:-

1. To construct a reinforced concrete block wall, generally to 6 feet in height with a stepped top to accommodate the existing grades and levels. Permission has been granted by the representative of the proprietor of Parcel 5C/123 for construction work to be carried out from within Parcel 5C/123 in order to minimize disruption of the cemetery grounds and atmosphere. That parcel
2. The new wall will commence at the West Bay Road boundary point E, between parcels 5C/123 and 5C/124, from the end of the existing concrete wall which forms the road frontage of the cemetery.

3. The new wall will follow the route shown on the accompanying plan and will be constructed against the south fencing sides of existing plot walls and chambers, as shown.

4. Where there is a risk of disturbing existing structures, footings for the new wall will be hand dug.

5. The large beech tree will be removed in order to eliminate the damage being done by continuing growth of its root system.

6. The new wall will reduce in height, in steps from 5 feet at the most seaward chamber existing along the boundary, down to beach level at boundary beacon A5.

7. The new wall will be finished in white paint on both sides.

8. Once the wall is completed, easement documents will be prepared by Lands & Survey Department providing rights of occupation in perpetuity of the areas shown green in favour of the cemetery parcel 5C/124 and of the areas shown in yellow in favour of the proprietor of parcel 5C/123. These rights will, after building of the wall, be physically protected for the foreseeable future.

I hope that the above accords with your impression of the proposal, as discussed and that you can confirm your support and that of your West Bay Elected Representative Colleagues for the action proposed.

Plans have been submitted to the Department of Planning by the Public Works Department Architects for approval and the required notices are being sent to adjoining owners.

Once I receive confirmation of your agreement to the above and the Planning Department Notice period is past, we propose to proceed with construction at the earliest opportunity.”

PLANNING DEPARTMENT ANALYSIS

The applicant is seeking planning permission to construct a 6’ high concrete wall. The wall would be located along the entire northern parcel boundary to act as a buffer between the cemetery and the subject parcel.

The Department does not have any particular concern with the proposal only that the applicant should use creeping plants to disguise the hardness of the wall, which would appear like a high vegetative edge. The wall would be visible from West Bay Road, therefore we feel it is necessary to soften the appearance of the wall.

The Authority should note the applicant’s letter, as well as letter from adjoining
parcel owner (Crown Land).

### 2. 31 ROSE HAWKINS Block 9A Parcel 222 (F04-0331) (P05-1350) (CH)

Modification of planning permission to eliminate condition 1 (combination of parcel).

**FACTS**
- **Location**: Sticky Toffee Lane, off Batabano Road (West of The Shores)
- **Zoning**: LDR
- **Notice Requirements**: NA
- **Advertisements**: NA
- **Parcel Size**: .4900 acres
- **Current Use**: Vacant
- **Proposed Use**: Apartments
- **Density**: 8
- **Building Coverage**: 9%
- **Parking Coverage**: 9%
- **Total Site Coverage**: 18%
- **Proposed Handicapped Spaces**: 2
- **Proposed Parking**: 11
- **Required Handicapped Spaces**: 1
- **Required Parking**: 9

**BACKGROUND**

September 8, 2004 (CPA/20/04; item 2.6) it was resolved to grant planning permission.

July 27, 2005 (CPA/17/05; item 2.15) it was resolved to modify planning permission.

**Decision**: It was resolved to adhere to planning permission CPA/20/04; item 2.6.

**PLANNING DEPARTMENT ANALYSIS**

**Background**

Planning permission was granted (CPA/20/04: item 2.6) for six apartments on the subject parcels. The applicant subsequently modified planning permission
(CPA/17/05:item 2.15) to decrease floor area from 6,496 sq. ft. to 6,154 sq. ft. The applicant at the time relocated the building to be concentrated on Block 9A Parcel 222. In the notice for permission granted on September 8, 2004 (CPA/20/04: item 2.6) condition 1 requires the applicant to combine both parcels.

Consequently, the applicant is seeking to eliminate condition 1 of CPA?20/04:item 2.6 and is thus requesting a lot size variance to accommodate the six (6) apartments. In accordance with Regulation 9(8)(f) the minimum lot size for apartments is 25,000 sq. ft.; the subject parcel is 21,344.4 sq. ft.

The proposal meets all other planning requirements including site coverage, parking, setbacks and building height.

2. 32 ETHEL BUSH Block 32C Parcel 176 (F01-0333) (P05-1217) ($13,000) (KG)

Application for an eleven (11) lot subdivision.

FACTS

<table>
<thead>
<tr>
<th>Location</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>A/R</td>
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<tr>
<td>Notice Requirements</td>
<td>No Objectors</td>
</tr>
<tr>
<td>Parcel Size</td>
<td>6.5500 acres</td>
</tr>
<tr>
<td>Number of Lots</td>
<td>11</td>
</tr>
</tbody>
</table>

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

1. The applicant shall provide documentation showing that there is a registered 30’ vehicular right-of-way to the property.
2. The intent and end use of the other existing right-of-ways must be clarified.
3. The applicant shall provide a revised plan showing a provision for Land for Public Purposes in an amount not to exceed 5% of the subject parcel size.

AGENCY COMMENTS

Comments from the Water Authority are noted below.

Water Authority

- The developer shall provide water infrastructure for the entire sub-division. The developer shall submit plans for the water supply system for approval by the Water Authority. The water supply system shall be installed to the Authority's specifications, under the Authority's supervision. Copies of these specifications are available at the Water Authority's office on Red Gate Road.
- The developer shall request to have the sub-division connected to the Water Authority's public water system. The pipeline installation will be inspected to
ensure accordance with the WAC specifications and pass of all specified tests.

Please be advised that the proposed subdivision is near the Water Authority's piped water supply system located in Shamrock Road; however, an extension will be required to make a connection. 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.”

PLANNING DEPARTMENT ANALYSIS

The applicant is requesting permission to create an eleven lot subdivision in the area of Lower Valley. Prior to subdividing the property the applicant would have to combine the two parcels (32 & 176) in order to subdivide the property.

The area is zoned Agricultural Residential and only permits one house per acre and as a result the proposed lots should be a minimum of an acre. However, the applicant has obtained permission from the Ministry of Planning, Communications, District Administration & Information Technology via Designating Order dated May 5th, 2005.

The Authority is reminded that the proposed lots for Agricultural zone in regards to a Designating Order is one-third the required lot size, therefore the applicant's proposal has satisfied the requirements with lots size ranging from 0.5 acres to 0.6 of an acre. (26,000 square feet).

The Department acknowledges that a 30’ road provision is made for future connection to parcel 50, west of the proposed parcel. Nevertheless, the applicant has not satisfied Regulation 28 (1) which states that the Authority may require the applicant to set aside land for public purposes. The proposed subdivision has a combined area of 6.55 acres (286,123 square feet) therefore a lot size of 0.3284 acres or 14,306.15 square feet should be set aside to comply with the above mentioned Regulation.

2. 33 SEAFRONT DREAM CONDOMINIUMS Block 6D Parcel 64 (F03-0167) (P05-1231) (KG)

Application to re-modify approved modification from six units to nine apartment units.

FACTS

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<tr>
<th>Location</th>
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<tbody>
<tr>
<td>Zoning</td>
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<tr>
<td>Notice Requirements</td>
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<tr>
<td>Advertisments</td>
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</tr>
<tr>
<td>Parcel Size</td>
<td>1.2400 acres</td>
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<td>Current Use</td>
<td>Vacant</td>
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</table>
**Proposed Use**
Apartments

**Density**
4

**Building Coverage**
22.7%

**Total Site Coverage**
22.7%

**Proposed Handicapped Spaces**
1

**Proposed Parking**
16

**Required Handicapped Spaces**
1

**Required Parking**
9

**BACKGROUND**

CPA/17/03; item 3.16, planning permission granted for ten apartment units, a pool, gazebo and a freestanding sign. On May 5th, 2004, the applicant requested permission to modify the application from three-storey to a two storey building consisting of six apartment units. Permission was granted to the applicant at CPA/09/04; Item 2.18.

**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 (2003 Revision) hereby orders that planning permission CPA/17/03; item 3.16 be modified to allow nine apartments as shown on the plans date stamped October 31, 2005.

All other conditions of CPA/17/03; item 3.16 remain applicable.

**PLANNING DEPARTMENT ANALYSIS**

At the CPA's meeting held on the 11th June 2003, the subject application granted planning permission for ten (10) apartment units, a pool, gazebo, and a freestanding sign on aforementioned parcel.

It is the Department understanding that the initial approval for the development included a three storey building, however the applicant has reduced the building height and the amount of units from ten (10) units to six (6) units and therefore is requesting a modification to the application to decrease the approved floor area of 30,892 sq. ft to 22,086.80 sq. ft. The modification was granted to reduce the building height and to decrease the amount of units from ten to six on May 5th, 2004.

The applicant is now requesting permission to modify the application to its initial state to increase the modified units from six to nine units.

The proposed modification is in compliance with the initial submission and approval to and of the Authority, therefore the Department has no concern with the applicant's request.
Application for five (5) two (2) bedroom apartments.

**Appearance at 4:20**

Mr. Fred Whittaker declared a conflict and left the meeting room.

**FACTS**

- **Location**: Ella Mae Gardens, Crew Road
- **Zoning**: LDR
- **Notice Requirements**: Objectors
- **Parcel Size**: .3800 acres
- **Current Use**: Vacant
- **Proposed Use**: Apartments
- **Building Size**: 8,800 sq. ft.
- **Density**: 13.15
- **Allowable Density**: 20
- **Building Coverage**: 28.3%
- **Total Site Coverage**: 28%
- **Proposed Handicapped Spaces**: 1
- **Required Handicapped Spaces**: 1
- **Proposed Parking**: 10
- **Required Parking**: 7
- **Number of Units**: 5

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

1. In accordance with Regulation 9(7) of the Development and Planning Regulations (2003 Revision), the Authority was not convinced that the subject site was a suitable location for apartments for the following reasons:
   a) The mass and scale of the proposed development would not be consistent with the character of existing development in the southern portion of the subdivision, which is predominantly that of single family dwellings.
   b) The proposed development would negatively affect the amenity of the southern portion of the subdivision due to an increase in traffic that would have to travel the full length of the subdivision road in order to access the apartments.
The Authority wishes to remind the applicant of the right to appeal pursuant to Section 48(1) of the Development and Planning Law (2003 Revision). Such appeal shall be made by Notice in writing, and referred to as “Notice of Appeal”. It shall be signed by yourself or your attorney-at-law and filed along with the prescribed CI$50.00 filing fee, in the offices of the Permanent Secretary of District Administration, Planning, Agricultural and Housing within the fourteen (14) day period as stipulated in Section 48(1).

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

AGENCY COMMENTS

Comments from the Chief Environmental Health Officer are noted below.

Chief Environmental Health Officer

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

1.0 Solid Waste

1. A minimum dimension of 2 feet 6 inches by 2 feet 6 inches should be provided for each bin required. The bins provided shall have a capacity of not more than 32 gallons and not less than 20 gallons.

2. Enclosures shall be constructed of durable, and easily cleaned materials.

3. Where enclosures are made with concrete bases the floor should have a minimum slope of ¼ in to a foot and be provided with a drain to an approved disposal system.

4. Where enclosures are made of wood or other durable material, the bottom of the enclosure should be a minimum of 6 in from the ground. The members should be spaced not less than ¼ inches and not more than 1 inch apart.

5. Enclosures shall be fixed securely to ensure that they could not be overturned under the weight of a child.

6. Where no door is provided for the enclosure the height of the enclosure shall not be more than 3 feet.

7. The enclosure shall be located as close as practicable to the curb.

8. The enclosure shall be easily accessible for collection.

9. The enclosure shall not obstruct the flow of traffic or restrict the view of traffic.

2.0 Swimming Pool and Spa

1. A complete set of plans shall be submitted for the proposed swimming pool and these shall be drawn to a minimum scale of ¼ inch to 1 foot and shall
show both top and profile view, and shall include full plumbing details.

2. The following minimum data for each pool or spa proposed shall be included in the above mentioned plans:

- The surface area of the pool
- The volume of water in the pool
- The design recirculation period
- The design pump flow rate
- The total dynamic head in the recirculation system
- The pump curve for the selected pump
- The pump horsepower rating
- The selected pump and motor efficiency
- The type of filter
- The minimum filter area
- The total flow rate through the main drain
- The diameter of the main drain
- The velocity of flow through the main drain
- The number of elbows, tees, and valves on the main drain line
- The dimensions of the main drain grate
- The velocity of flow through each main drain grate
- The number of inlets.
- The total flow rate through the return lines
- The rate of flow through each return line
- The diameter of the return lines
- The velocity of flow through each return line
- The rate of flow through each return line
- The number of elbows, tees, and valves on each return line
- The length of each return line
- The number of skimmers
- The total flow rate through the skimmer system
- The rate of flow through each skimmer
- The diameter of the skimmer lines
- The velocity of flow through each skimmer line
• The rate of flow through each skimmer line
• The number of elbows, tees, and valves on each skimmer line
• The length of each skimmer line
• The maximum bather load
• The locations of stairs, ladders, grab rails, and handrails.
• The location of depth markers.
• The width of the pool deck
• The pool deck drainage plan
• Specifications for chlorinator or other disinfection system provided.
• The type of flow meter
• The influent and effluent pressure gauges.”

OBJECTIONS

“We refer to the above application. The application seeks approval for the erection of five two bedroom apartments on the subject block. Whilst we would not have objected to one or two houses being erected on the block, we do object to a development of this nature on the following bases:-

Density – The subject block is located on Ella Mae Gardens, a narrow road which is effectively a cul-de-sac. The road is a public one but a traffic barrier has been erected at the end of the road, preventing it being used as a through road onto the By Pass. The road already has one large development of townhouses at the entrance to the road. Otherwise there are only four houses on the road.

An application made on behalf of Mr. Arney Scott in respect of Block 20E Parcel 148 was recently considered by the Planning Authority and a decision is awaited. That application sought the conversion of a single family dwelling home into five apartments along with the erection of another five apartments.

The site on which this development is proposed is not large in size. We would respectfully request that the Authority consider whether appropriate setback and density provisions will be complied with if the development is allowed to proceed.

Even if the development does comply with setback and density provisions, the Authority has discretion as to whether to allow the application. We would ask that the Authority does not – the road is already congested enough with the houses, the development at the entrance to the road and, potentially, the development by Mr. Scott.

Safety – Ella Mae Gardens is a narrow road. It can cope with cars passing only by crossing onto the verge on either side. There are a number of children living in Ella Mae Gardens. If the number of vehicles using the road is allowed to increase beyond the minimal traffic which results from four houses, the risk of
accidents is obvious. This will be particularly so if the development proposed by Mr. Scott is allowed to proceed.

Further, it is unclear whether Mr. Clarke intends that vehicles are allowed to exit from the proposed development onto the By Pass. This would be the only side road on this side of the By Pass where this would happen – many other side roads have been closed off by similar barriers, presumably because the risk of traffic exiting onto the By Pass have been recognized by the authorities.

Impact on amenity of existing proprietors – This development will cause substantial detriment to the amenity of the existing proprietors if allowed to proceed. This is a quiet cul de sac of neighbours who have families and this development will impact on their enjoyment of their property, visually and physically. There will be a substantial loss of privacy.

An apartment complex of this size and cost will inevitably attract single people and probably a more transient population, both of which will increase noise, rubbish and traffic. The enjoyment and value of the existing houses will be affected by these factors.

On a related note, the road surface was damaged through Ivan and has already suffered deterioration as a result of heavy vehicles used by Mr. Scott in the development work he has already done, amongst others. We would respectfully suggest that, if this development is allowed to proceed, then a condition should be attached to the grant of permission requiring that the road be resurfaced to the satisfaction of the roads authority.

We look forward to hearing from you with confirmation of the outcome of the application. We thank you in advance for your consideration of our objection.”

LETTER FROM APPLICANT

“I refer to an email received from planner, Karen Griffiths on 16th November 2005 which was in response to my recent application for planning approval of an apartment building on the above noted property. As per her email she advised that the application was in breach of the regulations for the following reasons:

- In accordance with planning regulations the area is zoned “Medium Density Residential” and as such requires a lot size of 20,000 sq. ft. My application covers a lot size of only 16,552.80 sq. ft. or 0.38 of an acre;
- In accordance with planning regulations for the area of the site coverage the building area not be greater than 25% of the land and mine is 28%;
- The rear setback is over by three (3) feet and the septic tank is outside the setback; and
- Planning regulations require seven (7) parking spaces whilst my plans allowed only six (6).

I wish to request a variance from the CPA and would appreciate if the board would allow me to address each point in turn and explain the reasons for requesting the variance:
• **Size of land**: Whilst I am attempting to construct an apartment complex on a property that is 16,552.80 sq. ft. I have ensured that each apartment is of a reasonable size in that they are in excess of 1,000 sq. ft. I consider this to be ample living space for young families wishing to raise their children in a comfortable neighbourhood. The neighbourhood in which I propose to build the apartments is generally viewed as a prime location. They are close to town, hospital, schools and shopping and it will allow these families to commute to and from work and school in a timely manner. Accordingly I do not believe that this variance would interfere with the rights of others as provided in regulations, nor is injurious to the public health, safety or general welfare of the people within the community. I am of a strong opinion that additional housing would certainly be beneficial to families looking for affordable homes at a time when housing is not easy to come by;

• **Site Coverage**: The building was designed to accommodate the irregular shape of the property as the west side measures approximately 100 feet and the east side 80 feet – this discrepancy has been reviewed and changes are submitted herewith. Ideally the layout is meant to fall within the boundaries of the land whilst providing adequate playing space for children and adequate access to emergency or maintenance vehicles.

• **Rear Setback and Septic Tank**: An amendment is submitted herewith with respect to the rear setback and septic tank and trust that this matter is now settled. However if the board have any additional queries or comments please advise accordingly;

• **Parking Spaces**: This was taken into consideration when the units were designed, as each apartment has been designed with one car garage and access to six additional spaces which would be available for guest access. In order to meet the CPA’s regulations I will continue in my effort to accommodate the board by trying to include the additional space required, however please allow me to add that this may encourage carpooling which in turn could assist with the current traffic concerns on the island.

In keeping with the islands beautiful surroundings and the need for additional housing I hope to build units that are affordable and spacious and units which would add attraction to an area which is already quite nice and clean.

The support of your office for this small, clean housing project designed by a young aspiring Caymanian would be most beneficial and appreciated. Please do not hesitate to contact me if you have any questions about the project, and thank you for considering my application.”

**PLANNING DEPARTMENT ANALYSIS**

The applicant is requesting planning permission for an apartment building consisting of five units. The proposed apartments are to be located in the area of Ella Mae Gardens off of Crewe Road, George Town.

The area is zoned Medium Density Residential and in accordance with Regulations 9 (7) (f) requires a lot size of 20,000 square feet. The applicant is
proposing a lot size of 15, 552.80 square feet. In reference to the above mentioned regulation, also states that the minimum lot width for apartments is 100 feet. Even though the parcel is dimensioned 106 feet 6 inches at the property line fronting Ella Mae Gardens, the property tapers at the rear of the parcel measuring 77 feet 10 inches in width. Additionally, The applicant is allowed 25 percent site coverage as stated in Regulation 9 (7) (h) and the applicant is proposing a site coverage of 28.3 percent.

In terms of site suitability, the Authority is reminded of its recent decision to refuse an application for apartments on the same road for the reason that apartments would not be suitable for the area and would be out of character with surrounding development.

At 4:20 pm, Mr. Bryan Gray appeared as an objector. The applicant did not appear.

CPA Explained that the applicant was invited to the meeting, but apparently has chosen not to make an appearance.

Mr. Gray Stated that he also represents his wife and that the Authority should have their letter of objection on file.

CPA They do have his letter.

Mr. Gray They are concerned with more traffic on this narrow public road.

CPA Is it a cul-de-sac.

Mr. Gray No, but it is blocked from the by-pass road. There are mainly single family homes in the area and the apartments would be out of character. CPA recently considered an application for apartments across the road and found that the development was out of character and would negatively affect the amenity of the area in regard to traffic. For these reasons the application was refused. In view of that decision, those would be his main points for objecting.

CPA Thanked him for appearing and noted that he would be advised of the decision.

The Authority considered the matter further and determined that:

1. In accordance with Regulation 9(7) of the Development and Planning Regulations (2003 Revision), the Authority was not convinced that the subject site was a suitable location for apartments for the following reasons:
   a) The mass and scale of the proposed development would not be consistent with the character of existing development in the southern portion of the subdivision, which is predominantly that of single family dwellings.
   b) The proposed development would negatively affect the amenity of the southern portion of the subdivision due to an increase in traffic that would have to travel the full length of the subdivision road in order to access the apartments.
Application to modify planning permission for Gallery (Art and Craft Display Area)

Mr. Attlee Bodden and Mr. Chris Phillips declared conflicts and left the meeting room.

FACTS
Location
South Church Street and Marrendale Drive, George Town
Zoning
G COM
Notice Requirements
No Objectors
Advertisements
NA
Parcel Size
1.0000 acres
Current Use
Retail/Duplex
Proposed Use
Gallery
Building Size
1,357 sq. ft.
Building Coverage
8%
Parking Coverage
4%
Total Site Coverage
12%
Existing Parking
5
Proposed Handicapped Spaces
1
Proposed Parking
5
Required Handicapped Spaces
1
Required Parking
15

BACKGROUND
May 29, 2003 (Administrative) planning permission granted for an after-the-fact house addition.

May 5, 2004 (CPA/09/04; item 2.12) planning permission granted for a Gallery.

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 (2003 Revision) hereby orders that planning permission CPA/09/04; item 2.12 be modified as shown on the revised plans date stamped December 1, 2005, subject to the following condition:
1) The applicant shall confirm the total square footage of the building and then provide a revised site plan showing the total number of required parking spaces based on the amount of square footage. If these spaces are off-site then they shall be identified as being reserved for staff.

All other conditions of CPA/09/04; item 2.12 remain applicable.

**PLANNING DEPARTMENT ANALYSIS**

The applicant is seeking planning permission to modify planning permission to increase floor area from 3,053 sq. ft. to 4,410 sq. ft. The proposal includes widening the front of the building from 14'-11" to 19'-11"; the length would change from 82' to 103'-1". The building will be rectangular in shape and 2 storeys. The Department has the following comments:

**Parking**

In accordance with Regulation 8(1) the required number of parking spaces for the proposed development is fifteen spaces. The applicant is proposing ten parking stalls. Therefore an additional five stalls are needed to sufficiently accommodate the development. At least one of the parking spaces should be for handicap; ramps should be provided leading to the sidewalk and into the building.

There are changes made to the elevations; the tower feature has been eliminated and the balustrade redesigned.

The Department has no further concerns. It should be noted that the applicant has notified the adjoining parcel (14BH 77), and consent given for the proposed development.

<table>
<thead>
<tr>
<th>2. 36</th>
<th>ROBERT C. BODDEN Block 11D Parcel 4 (FA84-0226) (P05-1232) ($12,800,000) (RS)</th>
</tr>
</thead>
</table>

Application for commercial development.

**FACTS**

*Location*  
At corner of West Bay Road and Lime Tree Bay Ave.

*Zoning*  
N COM

*Notice Requirements*  
No Objectors

*Advertisements*  
Advertising Complete

*Parcel Size*  
8.0000 acres

*Current Use*  
Vacant

*Proposed Use*  
Commercial

*Building Size*  
159,207 sq. ft.
Building Coverage 28.7%
Parking Coverage 45.9%
Total Site Coverage 74.6%
Proposed Handicapped Spaces 20
Proposed Parking 548
Required Handicapped Spaces 11
Required Parking 531

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

In addition to Building Permit requirements, conditions (1-4) listed below shall be met before a Building Permit can be issued.

1) The applicant shall submit a revised site plan showing the following:
   a) Additional landscape breaks within the parking area. The applicant is directed to liaise with the Department in this regard.
   b) Four service/loading spaces for the retail commercial buildings, ideally they should be situated equally around the buildings.
   c) Recessed bus layby areas, one each on West Bay Road and Lime Tree Bay Ave. The applicant is directed to liaise with the Department in this regard.

2) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating the location of material storage and parking during the construction phase.

3) The applicant shall submit, in accordance with the requirements of the National Roads Authority, a Stormwater Management plan designed to contain storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties that are lower, and/or surrounding roads, are not subject to stormwater runoff from the subject site. The plan shall include provisions for controlling roof runoff.

4) The applicant shall submit a landscape plan, which shall be subject to review by the Governor’s Office and approved by the Central Planning Authority. The landscape plan shall specifically illustrate along West Bay Road a vegetative screen that includes indigenous vegetation and is not taller in height than six feet.

5) 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.

6) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the
approved plans which you will receive when all of the above conditions are complied with.

Additionally, once construction has started, conditions (7-18) shall be complied with before a final Certificate of Occupancy can be issued.

7) The approved stormwater management system shall be installed on site.

8) At a minimum, the applicant shall provide 1 drain well per every 4,500 square feet of impervious surface area, which is the combined square footage for sidewalks, parking areas and roof area. Stormwater drains shall be located in the parking lot and driveway with parking areas sloped towards the drains. The minimum recommended specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in width.

9) Construct a gentle 'hump' at the entrance (along the entire width of the driveway) in order to prevent stormwater runoff.

10) Curbing is required for the parking areas to control stormwater runoff.

11) The parking lot and driveway aisles surfaced with asphaltic concrete or equivalent and tire stops provided for each parking space which shall be striped and directional traffic arrows painted upon the pavement near the edge of the roadway indicating enter/exit.

12) Lime Tree Bay Ave shall be upgraded to the required standards of the National Roads Authority.

13) The applicant shall construct a six-foot wide concrete sidewalk along the property lines adjoining roads, and a 4 feet minimum in width landscape strip along the inside edge of the sidewalk. Construction of the sidewalk shall be to the satisfaction of the Director of Planning in consultation with the National Roads Authority Department.

14) This development shall be connected to the West Bay Beach Sewerage System (WBBSS). The applicant shall notify Tom van Zanten (Water Authority-Cayman), at 949-6352 ext 258, or 814-2137 as soon as possible to ensure that:

   a) the site-specific connection requirements are relayed to the applicant,

   b) any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the applicant would be held responsible), and

   c) the Water Authority can make arrangements necessary for connection such as ordering materials, scheduling, pipe installation, etc.

15) The applicant shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The applicant shall submit plans for that infrastructure to the Water Authority for approval.

16) The Water Authority shall make the final connection to the WBBSS, the cost of which shall be borne by the applicant.
17) The applicant shall also provide **in-the-ground grease interceptors**, the required number and capacities which shall be determined by the Water Authority based on details of areas where food services are to be allowed (grocery store and restaurants). The applicant is advised that any subsequent change of use to allow a food service will require the installation of an in-the-ground grease interceptor (i.e., no ‘under-the-sink’ interceptors will be allowed). Provision of in-the-ground grease interceptors should be made during construction stages to prevent the unnecessary disruption and expense of retrofitting. The applicant should liaise with the Water Authority as soon as possible to determine the required number and capacities.

18) This property is within Cayman Water Company’s service area for piped water supply. They shall be contacted for a connection to their distribution system.

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

Provisions 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 is reminded that compliance with the Water Authority Law, Public Health Law and Fire Brigade Law is mandatory.

The applicant is also reminded that a fence, or sign is subject to a separate application.

**AGENCY COMMENTS**

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

**Chief Environmental Health Officer**

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

1. A ventilated corridor shall be provided for the toilet area to prevent the toilets opening directly onto the food area.

2. Applications for the individual rental units shall be submitted the department for review to determine compliance with the relevant environmental health guidelines.”

**National Roads Authority**

“As per your memo dated November 4th, 2005 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations.

**Road Capacity Issues**

Our understanding of the current proposal is that the development will consist of 159,207 square feet GFA which will consist of 118,170 square feet of retail
commercial, and a Cost U Less store (assuming a similarity to a discount store) of 41,037 square feet.

The following table illustrates the assumed trip generation rates used for estimating the daily, AM and PM peak hour trips.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Expected Daily Trip</th>
<th>AM Peak Hour Total Traffic</th>
<th>AM Peak Inbound</th>
<th>AM Peak Outbound</th>
<th>PM Peak Hour Total Traffic</th>
<th>PM Peak Inbound</th>
<th>PM Peak Outbound</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>5,074</td>
<td>122</td>
<td>74</td>
<td>48</td>
<td>443</td>
<td>213</td>
<td>230</td>
</tr>
<tr>
<td>Free Standing Discount Store</td>
<td>2,324</td>
<td>239</td>
<td>119</td>
<td>119</td>
<td>226</td>
<td>113</td>
<td>113</td>
</tr>
<tr>
<td><strong>Total Traffic</strong></td>
<td><strong>7,398</strong></td>
<td><strong>361</strong></td>
<td><strong>193</strong></td>
<td><strong>167</strong></td>
<td><strong>669</strong></td>
<td><strong>326</strong></td>
<td><strong>343</strong></td>
</tr>
</tbody>
</table>

Based on those trip rates, the anticipated traffic volumes to be generated by the full occupancy of the proposed development is as follows.

<table>
<thead>
<tr>
<th></th>
<th>Expected Daily Trip</th>
<th>AM Peak Hour Total Traffic</th>
<th>AM Peak Inbound</th>
<th>AM Peak Outbound</th>
<th>PM Peak Hour Total Traffic</th>
<th>PM Peak Inbound</th>
<th>PM Peak Outbound</th>
</tr>
</thead>
<tbody>
<tr>
<td>By-Pass Reduction</td>
<td>2,959</td>
<td>144</td>
<td>77</td>
<td>19</td>
<td>268</td>
<td>130</td>
<td>137</td>
</tr>
<tr>
<td>Net Generated Traffic</td>
<td>4,439</td>
<td>217</td>
<td>116</td>
<td>148</td>
<td>401</td>
<td>196</td>
<td>206</td>
</tr>
</tbody>
</table>

Note that a reduction factor known as “pass-by trips” (defined as those trips that would be observed on a road segment irrespective of whether a land use is present or not) is generally applied to commercial/retail traffic generation rates. The NRA recognizes that such trips reductions could account to about 40% of driveway traffic at a commercial development site. The following table reflects such 40% reduction factor to the driveway traffic and thus would represent the net contribution to anticipated traffic growth along Peninsula Avenue, Lime Tree Bay and West Bay Road.

Based on the latest available traffic counts (survey conducted in March 2003), West Bay Road within the area of subject lands accommodated about 20,500 vehicles per day (vpd). Annual traffic growth on Grand Cayman has been in the order of about 6% per annum; therefore, it is estimated that the current daily traffic demand on this section of West Bay Road is approximately 23,034 vpd. On that basis, approval of the proposed development would contribute to add the
equivalent to another 19% of the existing travel demand of the nearby road network.

Based on these estimates, the impact of the proposed development onto Peninsula Avenue, Lime Tree Bay Avenue and West Bay Road is considered to be substantial. Thus, provisions should be made to accommodate other modes of transportation, such as transit in order to accommodate such an increase.

Access and Traffic Management Issues

Provisions for a bus stop with a drop off area should be made along both West Bay Road and Lime Tree Bay Avenue respectively. Please have applicant provide.

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 West Bay Road, Lime Tree Bay Avenue and Peninsula Avenue, within the property boundary, to NRA standards.

Note that the proposed landscaping near the driveway may impede site visibility. Please have applicant revise site plan accordingly or ensure that the proposed landscaping will include low shrubs.

Stormwater Management Issues

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff within the subject parcel and retain existing drainage characteristics of the site as much as is feasible through innovative design and use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is no worst than pre-development runoff. To that effect, the following requirements should be observed:

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.

- Should the applicant elect to address site's drainage conveyance system by vertical wells, please provide 1 well per every 4,500 square feet of impervious surface area, which is the combined square footage for sidewalks, parking areas and roof area. Stormwater drains shall be located in the parking lot and soft landscaped areas with parking areas sloped towards the drains. The minimum specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in diameter.

- 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 (along the entire width of all driveways) in order to prevent stormwater runoff from and onto West Bay Road, Lime Tree Bay Avenue and Peninsula Avenue.

- Curbing is required for the parking areas to control stormwater runoff.

- Roof water runoff should not drain freely over the parking area or unto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins in or near the parking lot. 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.”

Response to Agency Comments

The only agencies to respond are Environmental Health and the National Roads Authority. Environmental Health's comments can be addressed through conditions of approval. It is not anticipated that the Water Authority or the Chief Fire Officer will raise any issues of concern and typically their comments can be addressed through conditions of approval.

In regard to the comments of the National Roads Authority, they have indicated that the impact of the development on the road system should be substantial and the remedy suggested to ameliorate the impact is for the development to accommodate public transit. Should the Authority agree with this approach then conditions of approval have been suggested by the NRA to include bus stops/laybys on West Bay Road and Lime Tree Bay Ave. The remaining comments regarding stormwater management can be addressed through typical conditions of approval.

Given the proximity to Government House, the Governor's Office has reviewed the plans and has offered comments regarding the location of access and parking areas, the height of buildings and landscape screening along West Bay Road. In summary, the Office is satisfied with the proposed development provided that sufficient landscaping of indigenous vegetation up to 6' in height is planted along
West Bay Road.

Finally, the Governor's Office has contacted the Foreign and Commonwealth Office Security Advisors for comments and these should be available on the day of the Authority's meeting.

LETTER FROM APPLICANT

"We write to advise on the plan for deliveries to the retail stores in Governor's Square.

The retail section is divided into individual stores of approximately 1,000 square feet each. The two octagonal areas in blocks 3 and 4 are approximately 2,800 square feet. The stores are all small and once the initial inventory is delivered continuous stocks will be supplied via delivery trucks and the inventory placed in the store through the back doors that are provided for each store. We do not anticipate the need for any forty foot containers to be required for delivery purposes.

The property is adequately served with refuse bins and the packaging and other garbage created as a result of the inventory will be removed by the Department of Environmental Health on a regular basis."

LETTER OF SUPPORT

"Plantana has been notified by the applicant, Mr. Bodden, of the proposed plans for the Governor's Square Project, Block 11D Parcel 4/1/5.

After carefully reviewing the plans and having many discussions with Mr. Bodden and Plantana's owners, we The Board so elected, take a positive position in favour of this project.

We feel it will be in keeping of the neighbourhood and recognize the tremendous effort and time Mr. Bodden has invested in these plans. We support his effort."

PLANNING DEPARTMENT ANALYSIS

General Comments:

The applicant is seeking approval for a commercial development that consists of two main components. The first component is a large format retail building that will apparently be leased by "Cost U Less". This building is about 41,000 square feet in size. The second component is a two storey, "U" shaped retail commercial building that is about 108,000 square feet in size. The building square footage includes all of the covered walkways. The property is zoned Neighbourhood Commercial and the applicant will lease the land from the Crown. Crown is aware of the application and has not submitted any objections to the proposal.

The Department has raised several matters for discussion, as detailed below. On the surface, it may appear as if the Department has significant concerns with the application, but more accurately, the Department mainly felt obligated to raise a few "broader" planning issues that should warrant consideration by the Authority.

Major Application Consideration:
The subject application qualifies as a major application with respect to Section 6 (2) (c) of the Development and Planning Law (2003 Revision). Accordingly, the Authority must review this application with specific consideration given to Sections 6 (1), (3), (4), (5), (6) and Section 7. The following chart has been formulated to assist the Authority in reviewing the application with respect to the aforementioned sections of the Law. The Department has included its reasoned recommendations for each section of the Law for the Authority's consideration.

**CHART A**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
</table>
| 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 proposed development will have some impact on existing roadways and traffic movement along West Bay Road.* |
| 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 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.* |
| Sec 6 (1) (e) | Assessed the importance to be attached to those considerations or aspects and found that:  
*Response: not applicable* |
| 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: Not applicable.* |
The Authority considered whether the development proposed in the application should instead be carried out at an alternative site and found that:

Response: No other site was proposed.

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 further research required

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: Not required

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 thus far.

Zoning

The subject site is zoned Neighbourhood Commercial and Regulation 13(1)(b) of the Development and Planning Regulations (2003 Revision) states that this zone is intended for the primary use to be a less intense form of development than found in the General Commercial zone and which caters principally for the needs of persons resident in or in the vicinity of the zone. A strict reading of these zoning provisions would tend to discourage the form of development proposed, however, the Authority is reminded of the historical manner in which the West Bay Road corridor has developed wherein the existing commercial plazas are all currently zoned Neighbourhood Commercial. The Department would also note that the provisions of The Development Plan 1997 do state that this zone is intended for commercial nodes outside of central George Town (which would be the case here) and should include shops and businesses that serve the needs of the community. The Department would suggest that the proposed commercial development would appear to serve the needs of the community. Given this zoning framework, the Authority must determine if the proposed use is appropriate given the site's current zoning.

Site Suitability

The land is zoned for commercial development and has been for several years,
leading to a reasonable expectation that some form of commercial development would occur on the site. However, the Department does feel obligated to raise the issue of site suitability with respect to the effects on the main tourism corridor of West Bay Road and the fact that the proposal will introduce a significant amount of commercial development along a portion of West Bay Road not previously developed as such. In the immediate area are located the Regatta Office Park, the Westin Hotel, the Governor's House, a public beach and several beach front condominium developments. The Department would ask the Authority to be satisfied that the proposed commercial development is consistent with the area and will not detract from the important role that West Bay Road plays in encouraging a strong tourism economy.

Lime Tree Bay Avenue Access

The primary access to the site will be from Lime Tree Bay Ave. The road is not in very good repair at the moment and introducing additional traffic onto the road will only exacerbate the problem. It must be noted, however, that the northern half of Lime Tree Bay Ave is public, whereas the southern half is private and currently subject to Boundary Plan 486. It would appear, therefore, that until BP 486 is fully gazetted, the applicant currently has legal access only over half of the road. Additionally, it would appear difficult to require the applicant to expend monies on upgrading a public road.

Site Layout

- While the large format retail building has an adequate serve/loading area, this has not been provided for the other retail buildings. In response to this issue the applicant submitted a letter of explanation. The Department would prefer to see specifically designated service/loading spaces, but the Authority should determine the merit of the applicant's letter.

- The Department has met with the applicant to discuss the provision of landscape breaks in the parking areas, but the revised plans show grasscrete parking spaces instead of actual landscape breaks. The Department would strongly encourage formal landscape breaks instead.

- The applicant has provided 548 parking spaces, however, with the introduction of the suggested landscape breaks this number would more than likely be reduced to 538 - which still complies with the required minimum of 531. The Department would like to point out that while the minimum required number of spaces has been provided, this does not allow for any future change of use applications for restaurants and bars. These uses would be anticipated for this commercial complex as they are typical of all commercial plazas along West Bay Road.

- Some of the parking spaces are situated within the required 20' setback from the abutting roads, however, the NRA has not indicated that any additional land is required for road widenings and the Authority does have some discretion in this regard.
Application for five (5) unit apartments.

**Appearance at 11:30**

**FACTS**

<table>
<thead>
<tr>
<th>Location</th>
<th>Omega Drive, Spotts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>LDR</td>
</tr>
<tr>
<td>Notice Requirements</td>
<td>No Objectors</td>
</tr>
<tr>
<td>Parcel Size</td>
<td>.3960 acres</td>
</tr>
<tr>
<td>Current Use</td>
<td>Vacant</td>
</tr>
<tr>
<td>Proposed Use</td>
<td>Apartments</td>
</tr>
<tr>
<td>Building Size</td>
<td>6,590 sq. ft.</td>
</tr>
<tr>
<td>Density</td>
<td>12.62</td>
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<td>Allowable Density</td>
<td>15</td>
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<tr>
<td>Building Coverage</td>
<td>38.2%</td>
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<tr>
<td>Total Site Coverage</td>
<td>38%</td>
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<tr>
<td>Proposed Parking</td>
<td>7</td>
</tr>
<tr>
<td>Required Handicapped Spaces</td>
<td>1</td>
</tr>
<tr>
<td>Required Parking</td>
<td>7</td>
</tr>
<tr>
<td>Number of Units</td>
<td>5</td>
</tr>
</tbody>
</table>

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

1. The applicant shall submit revised drawings that show compliance with all required setbacks and site coverage and a more functional parking layout. The applicant is directed to liaise with the Department in regard to the latter issue.

**AGENCY COMMENTS**

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

**Chief Environmental Health Officer**

**“Solid Waste**

1. A minimum dimension of 2 feet 6 inches by 2 feet 6 inches should be provided for each bin required. Five 32-gallon capacity bins shall be provided for this
development.

2. The enclosure shall be made of durable and easily cleaned materials.

3. If the enclosure is made with a concrete base the floor should have a minimum slope of ¼ in to a foot and be provided with a drain to an approved disposal system.

4. Where enclosures are made of wood or other durable material, the bottom of the enclosure shall be a minimum of 6 in from the ground. The members shall be space not less than ¼ inches and not more than 1 inch apart.

5. The enclosure shall be fixed securely to ensure that they could not be overturned under the weight of a child.

6. Where no door is provided for the enclosure the height of the enclosure shall not be more than 3 feet.

7. The enclosure shall be located as close as practicable to the curb.

8. The enclosure shall be easily accessible for collection.

9. The enclosure shall not obstruct the flow of traffic or restrict the view of traffic.”

Water Authority

- “The developer shall provide a septic tank with a capacity of at least 1,500 US gallons. The septic tank shall be constructed in strict accordance with the Authority's standards.

- The effluent from the septic tank shall be discharged into a disposal well. The disposal well shall be constructed in strict accordance with the Authority's standards. The discharge pipe from the septic tank shall enter the disposal well at a height of at least two feet above the water table level in the well.

Please be advised that this development is situated within the Water Authority's public water supply area and will be connected to the system upon request by the owner. The location of that connection will be at the discretion of the Water Authority.”

National Roads Authority

“As per your memo dated September 29th, 2005 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations.

Road Capacity Issues

Roadway capacity is not an issue for this apartment complex.

Access and Traffic Management Issues

Please note that the NRA's preference is to see only one driveway for this development, while also locating the driveway at least fifty (50) ft from the intersection of Omega Drive and China Berry Drive. Please have applicant revise the site plan accordingly.
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 Omega Drive and China Berry, within the property boundary, to NRA standards.

The landscaping provided on the site plan near the driveway may impede site visibility. Please have applicant revise site plan accordingly or ensure that the proposed landscaping will include low shrubs.

**Stormwater Management Issues**

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff within the subject parcel and retain existing drainage characteristics of the site as much as is feasible through innovative design and use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is no worst than pre-development runoff. To that effect, the following requirements should be observed:

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace stormwater 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.

- Should the applicant elect to address site's drainage conveyance system by vertical wells, please provide 1 well per every 4,500 square feet of impervious surface area, which is the combined square footage for sidewalks, parking areas and roof area. Stormwater drains shall be located in the parking lot and soft landscaped areas with parking areas sloped towards the drains. The minimum specifications of the wells shall be one hundred (100) feet deep and eight (8) inches in diameter.

- 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 (along the entire width of the driveway) in order to prevent stormwater runoff from and onto Omega Drive.

- Curbing is required for the parking areas to control stormwater runoff.

- Roof water runoff should not drain freely over the parking area or unto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins in or near the parking lot. 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.”

LETTER OF VARIANCE

“On behalf of my client Mr. Michael Levy, we wish to apply for a variance in regards to the proposed apartment on Block 24B Parcel 186. The request for a variance pertains to area of property (17,250 sq. ft.) being less than the 25,000 sq. ft. that is required. Please note that property was purchased with the intention of building such a development, before the new lot size requirements came into effect. Also the existence of such developments in the immediate area on similar sized lots.

We hope that CPA will favourably consider our proposal.”

PLANNING DEPARTMENT ANALYSIS

The applicant is requesting permission from the CPA to erect a block of apartments consisting of five units. The parcel is located at the corner of Chinaberry Drive and Omega Drive and is zoned Low Density Residential with a lot size of 17,244.76 square feet or 0.3960 of an acre. As the Authority is aware the minimum lot size for apartments within LDR zones is 25,000 square feet, as a result the applicant's proposal contravenes Regulations 9 (8) (f).

Secondly, unit one is two storeys in height and for that reasons the minimum side setback should be 15 feet or fifty percent of the height of the building for a building more than one storey. The site plan indicates a setback of 13 feet. Also of concern in regards to unit one is the location of the three car garage. The garage/building is setback 26 feet from the front of Omega Bay and does not provide a turning area as a result the vehicles would have to reverse on to the main road -Omega Bay which a fairly active road.

In addition, the proposal has exceeded the allowable site coverage. Regulation 9 (8) (h) allows a maximum site coverage of twenty-five percent. The Department’s review of the application shows a site coverage of 38.20 per cent.

Also of concern to the Department is that there are two driveways to the development. The entrance closest to China Berry is too close to the intersection which could become a potential problem due to the location. For a development of this size a single entrance would be appropriate. The National Roads Authority does not support the multiple entrances as well and would like for the applicant to
revise the proposal accordingly.

The Department cannot endorse or recommend approval as the application is in direct contravention of the Planning Laws and Regulations. The Department suggests that the applicant withdraws the application and reapply for a duplex as that type of development would be more fitting for a lot size of that area.

At 11:30 am, Mr. Jay Welcome appeared on behalf of the applicant.

CPA Summarized the application and noted that there were concerns regarding lot size, density, site coverage, side setbacks and vehicles reversing onto the road.

Mr. Welcome Regarding lot size and density there are apartments all around the area on the same size or smaller lots. His client owned the land before the law was changed. The owner will retain the end unit and he wanted a separate parking area. Apartments were approved recently just down the road and the lot was less than 25,000 square feet.

CPA The owner’s parking area will force them to reverse onto the road.

Mr. Welcome There is a reversing area on the site.

CPA What is the distance between the road and the building.

Mr. Welcome It is 26 feet.

CPA How will a reversing area work with only 26 feet.

Mr. Welcome The cars will be able to reverse out of the garage into the reversing area.

CPA Is it a two car garage.

Mr. Welcome Yes, two large bays.

CPA Do the other units have garages.

Mr. Welcome No.

CPA Asked him to address the site coverage issue.

Mr. Welcome There shouldn’t be a site coverage problem as it complies. The left side setback is 13’, but that portion of the building is only one storey and they have consent from the adjacent owner.

CPA Thanked him for appearing and noted that he would be advised of the decision.

3.0 ENFORCEMENTS

3.1 MICHAEL POWELL Block 13D Parcel 232 (CE05-0065) (D.E.)

Illegal Auto Garage
FACTS

Location: Off Washington Road into EL Solomon Subdivision onto Brushy Ave, George Town

Zoning: HDR

BACKGROUND

December 19, 1984 (CPA/27/84; item 6.4) the CPA granted permission for an extension to an existing house.

August 7, 1985 (CPA/29/85; item 6.3) the CPA granted permission for an extension to an existing house.

Decision: It was resolved to authorize the issuance of an Enforcement Notice and Stop Notice in accordance with Sections 18 and 23 of the Development and Planning Law (2003 Revisions).

PLANNING DEPARTMENT ANALYSIS

Subsequent to a site investigation carried out on March 16, 2005 it was observed that an illegal auto garage was constructed without planning approval. Hence a warning letter was sent on June 2, 2005 and November 4, 2005 to the occupants via registered mail. To date no application has been submitted.

Photo

3. 2 ROBERT & SILVIA HAMATY Block 15B Parcel 336 (F05-0091) (P05-0255) ($1,529) (DE)
Breach of condition of planning approval for an after-the-fact shed.

**FACTS**

*Location* Off Walkers Road at Silver Palms Crescent  
*Zoning* LDR  
*Building Size* 80 sq. ft

**BACKGROUND**

May 4, 2005 *(CPA/11/05 Item 2.19)* the CPA approved an after-the-fact shed with a condition that it be moved to have a minimum 10’ setback.

**Decision:** It was resolved to authorize the issuance of an Enforcement Notice in accordance with Section 18 of the Development and Planning Law (2003 Revisions), for the breach of planning permission.

**PLANNING DEPARTMENT ANALYSIS**

The applicant has failed to comply with the condition of approval that required the shed to be moved so that it had a minimum setback of 10 feet. As such, the applicant is in breach of planning permission and the Department would recommend that an Enforcement Notice be issued.

**4.0 DEVELOPMENT PLAN MATTERS**

**5.0 MATTERS FROM THE DIRECTOR OF PLANNING**

**5.1 BURGER KING (WALKERS ROAD)**

Subsequent to hurricane Ivan, Government granted approval for 6 months for Burger King to locate a mobile food trailer at the Walkers Road location (Eden Centre) to allow them to operate while conducting renovations to the building. It would appear that repairs to the building have been delayed and Burger King is seeking a further 6 month approval for the mobile food trailer. The Department of Environmental Health and the Water Authority endorse the requested 6 month extension. The Department would also be in favour of granting a 6 month extension to the original approval for the mobile food trailer.

**Decision:** It was resolved to extend the original approval for a further 6 months.
On April 29, 2005, the Authority granted approval for a raw land strata subdivision subject to certain conditions. One of those conditions stated the following:

“1) Prior to the continuance of any site works such as filling, grading and road construction, you shall submit the following:

b) a stormwater management plan prepared in accordance with the requirements of the Managing Director, NRA and approved by the Central Planning Authority. The plan shall include, but not be limited to the location of all drainage facilities and general grading details of the site (roads included). In general, the entire site shall be graded in such a manner that stormwater runoff is no more than that which occurred during predevelopment conditions along private boundaries with any excess runoff directed to one central drainage facility or a series of facilities.”

The applicant has prepared a stormwater management plan and submitted same to the National Roads Authority (NRA) for comment. The NRA has provided the following comments.

“The National Roads Authority is in receipt of a site plan for the above-noted development which shows the applicant’s drainage plan for the project.

Based on the proposed site level information provided by the applicant’s agent and the recommended drainage plan for the subject parcel, the National Roads Authority is satisfied with the provisions being made by the developer with regard to the Stormwater Management conveyance system. However, note that lot filling above the finish road levels shall be restricted to the construction of the single family homes and the driveways. The CAD drawing of the proposed drainage plan for the subject parcel has been electronically forwarded for your records and printing.

The applicant is reminded that each well shall be of a minimum diameter of eight (8) inches. Finally, since the project is a Land Strata, the applicant should make provisions for the annual maintenance of those wells and should not expect the NRA to allocate public funds to such endeavour.

The project may proceed to the next development review cycle accordingly. “

Having reviewed the stormwater management plan, the Planning Department would comment as follows:

- The plan has been prepared in accordance with the requirements of the NRA
- The plan shows the location of the required drainage facilities.
- The NRA has addressed the issue of site grading in their comments by stating that the lots should not be filled to an elevation higher than the subdivision access roads. This final matter is also addressed through an additional condition of approval which requires the applicant to fill the lots to 4 feet
above mean sea level. The filling of the lots will be required to be completed prior to the subdivision being finalized and will require the submission of spot elevations. On the basis of the foregoing, it would appear that the applicant has satisfied the above noted condition of approval.

The Authority reviewed the plan and the comments from the NRA and determined that they did not necessarily agree with the NRA that the filling of the lots had to be restricted to the homes and driveways. On this issue, it was noted that the comments from the Planning Department regarding the filling of the land were not quite consistent with the Authority’s reading of the memo. However, it was determined that the plan should be revised to incorporate drainage swales and/or lot grading that would channel water to the drain wells. On the basis of this required revision, the storm water management plan was accepted.

Decision: It was resolved to grant approval for the stormwater management plan, subject to it being revised to include drainage swale areas leading to the drain wells.

6.0 CPA MEMBERS INFORMATION/DISCUSSIONS

The meeting adjourned at 9:00 p.m. The next regular meeting of the Central Planning Authority is scheduled for Wednesday 14th December 2005 at 10:30 a.m. in the Conference Room, 1st Floor Regatta Office Park, Leeward One (formerly Safehaven).

Dalkeith Bothwell
Chairman

Kenneth S. Ebanks
Executive Secretary

cc: All members of the Central Planning Authority
Hon. Minister (DA, P. A. & H)
Chief Immigration Officer
Solicitor General
Chief Fire Officer
Managing Director, NRA
Director, Department of Environmental Health
Director, Department of Environment
Managing Director, Caribbean Utilities Company