



GOVERNMENT MOTION NO 4 2018/2019

AMENDMENT TO THE DEVELOPMENT PLAN 1997

Proposed Rezoning:

WEST BAY BEACH SOUTH, BLOCK 12C PARCEL 3, WEST BAY BEACH SOUTH, BLOCK 12C PARCEL 517 (formally a section of Block 12C Parcel 2), WEST BAY BEACH SOUTH, BLOCK 12C PARCEL 518 (formally a section of Block 12C Parcel 2), WEST BAY BEACH SOUTH, BLOCK 12C PARCEL 393, WEST BAY BEACH SOUTH, BLOCK 12C PARCEL 451 (formally Block 12C Parcel 394)

WHEREAS on the 4th June 2008 (CPA/19/08; Item 4.3) The Central Planning Authority (CPA) originally considered the request to amend the Development Plan from Neighbourhood Commercial, Low Density Residential and Mangrove Buffer to Hotel/Tourism and Mangrove Buffer over Block 12C Parcel 3 and Block 12C Parcel 203. It was resolved to include adjacent properties to the north up to the existing Hotel/ Tourism zone into the proposal to prevent spot zoning, but Block 12C Parcel 203 was removed from the proposal. The new proposal therefore became an application for the rezoning of Registration Section West Bay Beach South, Block 12C Parcel 3, from Neighbourhood Commercial, Low Density Residential and Mangrove Buffer to Hotel/Tourism and Mangrove Buffer. Registration Section West Bay Beach South, Block 12C Parcel 517 from Neighbourhood Commercial to Hotel/Tourism. Registration Section West Bay Beach South, Block 12C Parcel 518 from Low Density Residential and Mangrove Buffer to Hotel/Tourism and Mangrove Buffer. Registration Section West Bay Beach South, Block 12C Parcel 393 from Neighbourhood Commercial to Hotel/Tourism. Registration Section West Bay Beach South, Block 12C Parcel 451 from Neighbourhood Commercial, Public Open Space and Mangrove Buffer to Hotel/Tourism and Mangrove Buffer;

AND WHEREAS the proposed amendments were duly advertised as a conglomerate of parcels in the *Cayman Compass* on the 16th, 19th, 22nd and 24th of December 2008, in accordance with Section 11(2) of the Development and Planning Law (2005 Revision), and persons were invited to view the application at the Department of Planning for comment.

Low Density Residential and Mangrove Buffer to Hotel/Tourism and Mangrove Buffer. Registration Section West Bay Beach South, Block 12C Parcel 393 from Neighbourhood Commercial to Hotel/Tourism. Registration Section West Bay Beach South, Block 12C Parcel 451 from Neighbourhood Commercial, Public Open Space and Mangrove Buffer to Hotel/Tourism and Mangrove Buffer.

MOVED BY: Honourable Joseph Hew,
Minister of Commerce, Planning, & Infrastructure

Received in the Office of the Clerk this 29th day of March, 2019

Passed by the Legislative Assembly this 5th day of June 2019.



Clerk of the Legislative Assembly

SUMMARY OF REZONING PROPOSAL

Proposed Amendment to the Development Plan 1997 for:

Registration Section West Bay Beach South, **Block 12C Parcel 3**, from **Neighbourhood Commercial, Low Density Residential and Mangrove Buffer to Hotel/Tourism and Mangrove Buffer**.

Registration Section West Bay Beach South, **Block 12C Parcel 517** (formally a section of Block 12C Parcel 2) from **Neighbourhood Commercial to Hotel/Tourism**.

Registration Section West Bay Beach South, **Block 12C Parcel 518** (formally a section of Block 12C Parcel 2) from **Low Density Residential and Mangrove Buffer to Hotel/Tourism and Mangrove Buffer**.

Registration Section West Bay Beach South, **Block 12C Parcel 393** from **Neighbourhood Commercial to Hotel/Tourism**.

Registration Section West Bay Beach South, **Block 12C Parcel 451** (formally Block 12C Parcel 394) from **Neighbourhood Commercial, Public Open Space and Mangrove Buffer to Hotel/Tourism and Mangrove Buffer**.

The subject parcels are located in the District of West Bay South, Grand Cayman east of West Bay Road from the Ritz Carlton property southward to the vacant land north of the Canal Point Development. The table below depicts the land ownership and current Development Plan zoning and map following that illustrates the land area of the proposal.

Block	Parcel	Owner	DP Zoning
12C	3	Larry Becker	Neighbourhood Commercial, Low Density Residential and Mangrove Buffer to Hotel/Tourism and Mangrove Buffer
12C	517	HH Limited	Neighbourhood Commercial to Hotel/Tourism
12C	518	HH Limited	Low Density Residential and Mangrove Buffer to Hotel/Tourism and Mangrove Buffer
12C	393	Crown/99 year lease from 2005 to hotel owner and residences	Block 12C Parcel 393 from Neighbourhood Commercial to Hotel/Tourism
12C	451	Crown/99 year lease from 2005 to hotel owner and residences	Neighbourhood Commercial, Public Open Space and Mangrove Buffer to Hotel/Tourism and Mangrove Buffer

Table 1: Ownership Table and Zoning



Figure 1 : Aerial Map of Rezone Area

On the 4th of February 2008 application was submitted by EMERALD SEAS LTD. and L.B. INVESTMENTS LTD. to rezone Block 12C Parcels 3 and 203. On the 4th June 2008 (CPA/19/08; Item 4.3) The Central Planning Authority (CPA) originally considered the request to amend the Development Plan from Neighbourhood Commercial, Low Density Residential and Mangrove Buffer to Hotel/Tourism and Mangrove Buffer over these two parcels. It was however, resolved to include adjacent properties to the north up to the existing Hotel/ Tourism zone into the proposal to prevent spot zoning, but Block 12C Parcel 203 was removed from the proposal by the CPA with the intent of providing a buffer to the Low Density Residential Canal Point development to the south. In this process it was also discovered that the Ritz Carlton had previously applied for a rezone in 1997 but the file was lost in hurricane Ivan and there was no record that the rezone was ever completed.

The new proposal therefore became an application for the rezoning of Registration Section West Bay Beach South, Block 12C Parcel 3, from Neighbourhood Commercial, Low Density Residential and Mangrove Buffer to Hotel/Tourism and Mangrove Buffer. Registration Section West Bay Beach South, Block 12C Parcel 517 from Neighbourhood Commercial to Hotel/Tourism. Registration Section West Bay Beach South, Block 12C Parcel 518 from Low Density Residential and Mangrove Buffer to Hotel/Tourism and Mangrove Buffer. Registration Section West Bay Beach South, Block 12C Parcel 393 from Neighbourhood Commercial to Hotel/Tourism. Registration Section West Bay Beach South, Block 12C Parcel 451 from Neighbourhood

Commercial, Public Open Space and Mangrove Buffer to Hotel/Tourism and Mangrove Buffer.

The proposed amendments were duly advertised as a conglomerate of parcels in the Cayman Compass on the 16th, 19th, 22nd and 24th of December 2008, in accordance with Section 11(2) of the Development and Planning Law (2005 Revision), and persons were invited to view the application at the Department of Planning for comment. During the 60-day comment period, twelve (12) letters of objection were received on the proposed amendment. All objections received related to the proximity of the Hotel/Tourism zoning to the Canal Point residential subdivision.

On the 4th of March 2009 (CPA/07/09; Item 4.1) the Central Planning Authority again considered the proposal and in light of the objections received and it was resolved to forward the rezone application to the Ministry of District Administration, Planning, Agriculture, & Housing for onward transmission to the Development Plan Tribunal (DPT) for their recommendation in accordance with Section 11(3)(a) of the Development and Planning Law (2005 Revision).

On the 26th June 2015 and the 12th March 2017, the Planning Appeals Tribunal sitting as the Development Plan Tribunal heard the rezone proposal in light of the objections. In the DPT hearing seemingly the objectors made it clear that the rezoning of the Ritz Carlton property further north was not a concern to them, and that the site was already developed as a hotel and leisure site.

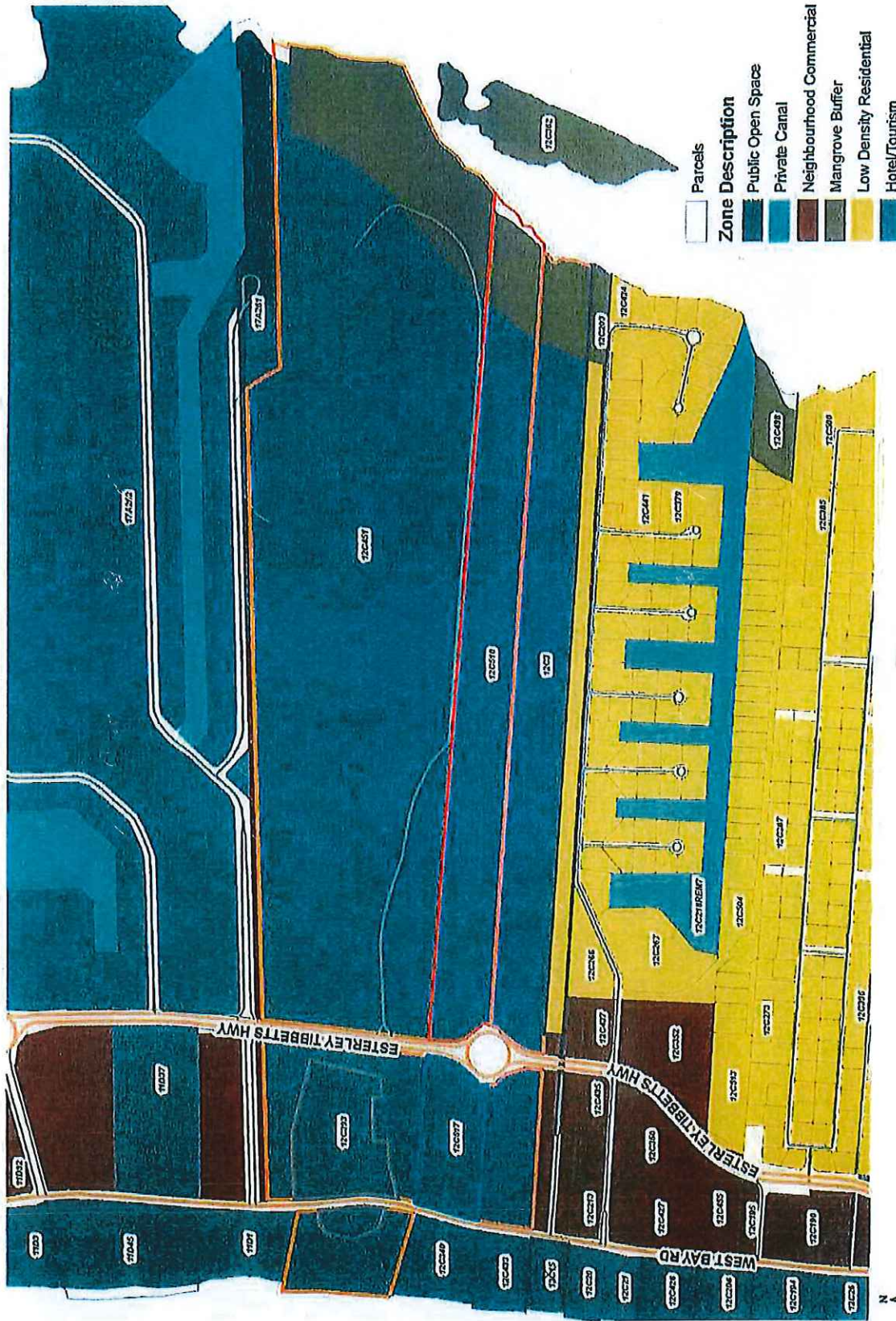
On the 16th of May 2017 the DPT issued its report to the CPA recommending that Block 12C Parcel 393 and 451 be rezoned to Hotel/ Tourism with the retention of the Mangrove Buffer zoning. They also recommended that Block 12C Parcel 517 and the section of Block 12C Parcel 3, that is sandwiched between West Bay Road and the Easterly Tibbetts Highway be rezoned to the Hotel/Tourism zone. The DPT however disagreed with the proposal to rezone Block 12C Parcel 518 and the section of Block 12C Parcel 3 sandwiched between the Easterly Tibbetts Highway and the North Sound Coast up to the Mangrove buffer. They instead recommended that this land should remain in its present zoning of Low Density Residential and Mangrove Buffer.

On the 30th August 2017 the Central Planning Authority considered the proposal again in light of the DPT's report and the objectors' comments but the CPA reconfirmed their support of its initial decision made on the 3rd December 2008; which was to extend the Hotel/ Tourism zone from West Bay Road east to the Mangrove Buffer on the North Sound coast over all parcels of the proposal. The Authority also reconfirmed that Block 12C Parcel 203 should remain as presently zoned and serve as a buffer to the residents of the Canal Point residential development.

At this meeting it was resolved to forward the application to the Ministry of Commerce, Planning and Infrastructure for onward transmission to the Legislative Assembly for consideration.

On 26th March 2019 Cabinet considered the rezoning proposal and approved that the matter be submitted to the Legislative Assembly for consideration.

The proposed rezone is depicted on the attached two maps showing the 'existing' & 'proposed' zones.



- 12C393
- 12C203
- 12C517 - formerly 12C2
- 12C518 - formerly 12C2
- 12C451 - Ritz Carlton Property, formerly 393, 394

1,000 Feet

500

0

Final Zoning Proposal: Per CPA/17/17; Item 3.2