



Legislative Assembly of the Cayman Islands

GOVERNMENT MOTION NO. 4 /2013-14

AMENDMENT TO THE DEVELOPMENT PLAN 1997

Proposed Rezoning: Block 9A Parcel 99 – Gerd June Stewart,
Marnel E Turner, Robert W Turner

Block 9A Parcel 190 – Everlyn Hutterli, Enrique Hutterli, Walter Hutterli Jnr

WHEREAS the Development Plan 1997 effected the rezoning of Registration Section West Bay North East, Block 9A Parcel 99 and Registration Section West Bay North East, Block 9A Parcel 190 from Low Density Residential & Hotel/Tourism to Public Open Space;

AND WHEREAS the owner of Block 9A Parcel 99 served Notice to Acquire on the Central Planning Authority under Section 12(3) Development and Planning Law (1999 Revision) in November 1998, and the owner of Block 9A Parcel 190 served Notice to Acquire on the Central Planning Authority under Section 12(3) Development and Planning Law (1999 Revision) in May 1999;

AND WHEREAS in February 1999 the CPA recommended to the Ministry that the Parcels be rezoned to their pre-1997 zoning; from Public Open Space to Hotel / Tourism and Low Density Residential;

AND WHEREAS the Governor in Council directed in July, 1999 that the lands be acquired and not rezoned. Negotiations to acquire the Parcels were never completed;

AND WHEREAS on 21st November 2002 the Governor in Council directed the CPA to initiate the rezoning process to restore the pre-1997 zoning , and accordingly at its meeting on 27th November 2002 the CPA resolved that the Parcels be rezoned from Public Open Space to Hotel/Tourism and Low Density Residential;

AND WHEREAS the proposed amendments were advertised in the Caymanian Compass on 11, 13 , 18 & 20 December 2002 in accordance with Section 14(2) Development and Planning Law (1999 Revision) and the application was placed on display in the Planning Department. During the comment period two letters of objection were received in regards to Block 9A Parcel 99, and one with regard to Block 9A Parcel 190.

AND WHEREAS the zoning was referred to the Development Plan Tribunal for determination, and on 13th November 2003 the DPT recommended that the Parcels be rezoned to Beach Resort/Residential;

AND WHEREAS the CPA considered the DPT report at its meeting on 26th November 2003 and endorsed its recommended Beach Resort /Residential zoning for these Parcels, and resolved to forward the proposed amendments to the Ministry with the recommendation that the proposed amendments be forwarded to the Legislative Assembly for approval;

AND WHEREAS on 8th October 2013 Cabinet approved the CPA rezoning recommendation, and further that the matter be referred on to the Legislative Assembly;

BE IT NOW THEREFORE RESOLVED THAT in accordance with Section 10(2)(b) Development and Planning Law (2011 Revision) the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and map are attached hereto;

AND BE IT THEREFORE FURTHER RESOLVED that, Registration Section West Bay North East, Block 9A Parcel 9, and Registration Section West Bay North East, Block 9A Parcel 190 both be rezoned from Public Open Space to Beach Resort/Residential.

MOVED BY: Hon D Kurt Tibbetts, OBE, JP
 Minister for Planning, Lands, Agriculture, Housing & Infrastructure

Received in the Office of the Clerk this 17th day of January 2014.

Passed/Rejected by the Cayman Islands Legislative Assembly this day of 2014.

Clerk of the Legislative Assembly

SUMMARY OF REZONING APPLICATION

Public Open Space to Beach Resort / Residential

Block 9A Parcel 99 and Block 9A Parcel 190

The Development Plan 1997 effected the rezoning of Registration Section West Bay North East Block 9A Parcel 99 and Registration Section West Bay North East Block 9A Parcel 190 from a split zoning of Low Density Residential and Hotel / Tourism, to Public Open Space. These two Parcels comprise undeveloped beach-front land at Barkers, West Bay, Grand Cayman of approximately 3.8 acres and 0.85 acres respectively.

In response, the owners of each Parcel served Notice to Acquire on the Central Planning Authority (CPA) under Section 12(3) Development and Planning Law (1999 Revision), in November 1998 and May 1999 respectively.

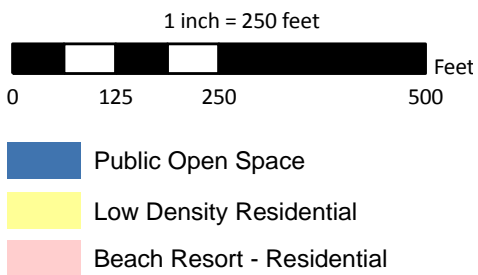
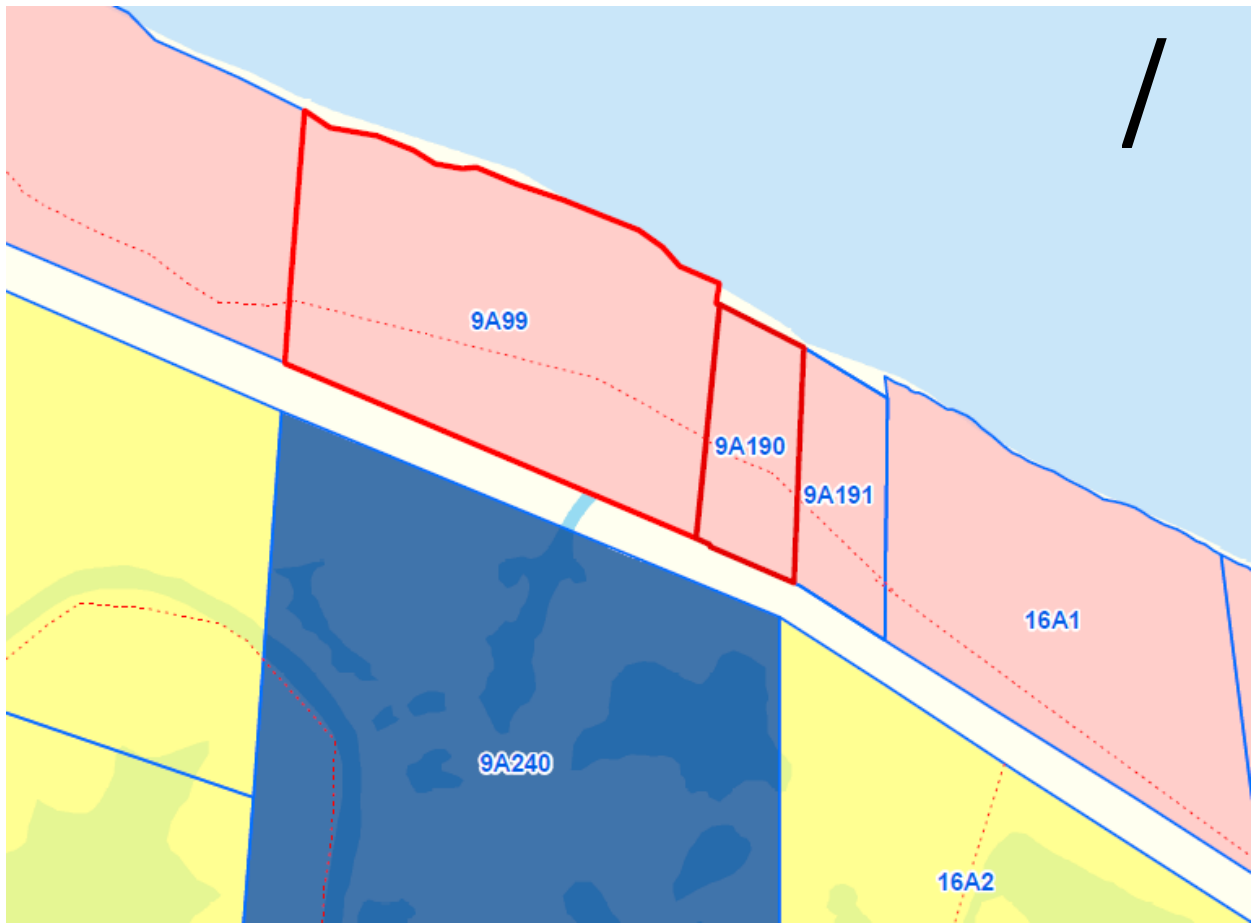
In February 1999 the CPA resolved to recommend to the Ministry that the lands be rezoned to the pre-1997 zoning; from Public Open Space to Low Density Residential & Hotel / Tourism. The Governor-in-Council instead directed that the lands be acquired and not rezoned, but negotiations with the registered owners to purchase the lands were never satisfactorily completed. On 21st November 2002 the Governor in Council directed the CPA to initiate the rezoning process to restore the pre-1997 zoning, and accordingly at its meeting on 27th November 2002 the CPA resolved that the Parcels be rezoned from Public Open Space to Hotel / Tourism & Low Density Residential.

Thereafter, the proposed amendments were advertised in the Caymanian Compass on 11, 13, 18 & 20 December 2002 in accordance with Section 14(2) Development and Planning Law (1999 Revision) and the application was placed on display in the Planning Department. During the comment period two letters of objection were received in regards to Block 9A Parcel 99 and one with regard to Block 9A Parcel 190.

In accordance with the Development & Planning Law the zoning dispute was, therefore, referred to the Development Plan Tribunal for determination. On 13th November 2003 the Tribunal recommended that the Parcels be rezoned to Beach Resort / Residential (rather than the pre-1997 split zoning), in conformity with the adjacent beach-frontage lands.

The CPA considered the Development Plan Tribunal report on 26th November 2003 and endorsed its recommended Beach Resort / Residential zoning for these two Parcels, and resolved to forward the proposed amendments to the Ministry with the recommendation that the proposed amendments be forwarded to the Legislative Assembly for approval;

On 8th October 2013 Cabinet approved the rezoning recommendation, and further that the proposal be referred on to the Legislative Assembly.



PROPOSED REZONE: Block 9A Parcels 99 and 190 (shown red surround)

FROM: Public Open Space (blue)

TO: Beach Resort / Residential (pink)