

COUNCIL OF THE COUNTY OF MAUI

# PLANNING AND LAND USE COMMITTEE

August 24, 2004

Committee

Report No. 04-135

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Planning and Land Use Committee, having met on June 29, 2004, makes reference to County Communication No. 03-276, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3095 (2002) PERTAINING TO THE GRANTING OF A CONDITIONAL PERMIT TO JEANNE MCJANNET, DBA MAALAEA BAY RENTALS, A DIVISION OF J. NOWELL REALTY, TO OPERATE A TRANSIENT VACATION RENTAL OFFICE WITHIN THE COUNTY A-2 APARTMENT DISTRICT, FOR PROPERTY SITUATED AT 280 HAUOLI STREET, MAALAEA, MAUI, HAWAII".

Your Committee notes that Ordinance No. 3095 granted a Conditional Permit to operate a transient vacation rental office at the Hono Kai Resort, 280 Hauoli Street, Maalaea, Maui (identified for real property tax purposes as Tax Map Key No.: 3-8-014:002) for five years, effective December 10, 2002. The purpose of the proposed bill is to amend Ordinance No. 3095 as follows: (1) change the name of the Conditional Permit holder to Maalaea Bay Realty & Rentals LLC; and (2) delete Condition 8, which requires the Conditional Permit holder to file a Supplemental Public Report.

Your Committee further notes that the Maui Planning Commission held public hearings and meetings on the application for a Conditional Permit amendment on August 26, 2003 and September 9, 2003. After reviewing the findings presented in the documents entitled "MAUI PLANNING DEPARTMENT'S REPORT AND RECOMMENDATION TO THE MAUI PLANNING COMMISSION AUGUST 26, 2003 MEETING" and "MAUI PLANNING DEPARTMENT'S REPORT AND RECOMMENDATION TO THE MAUI PLANNING COMMISSION SEPTEMBER 9, 2003 MEETING", the Commission voted to recommend approval of the Conditional Permit amendment.

COUNCIL OF THE COUNTY OF MAUI

# PLANNING AND LAND USE COMMITTEE

August 24, 2004  
Page 2

Committee  
Report No. 04-135

By correspondence dated November 18, 2003, the Planning Director transmitted minutes of the Maui Planning Commission meetings of August 26, 2003 and September 9, 2003.

At its meeting, your Committee met with the Planning Director, a Staff Planner from the Department of Planning, and a Deputy Corporation Counsel.

Your Committee received public testimony in support of the proposed bill from Jeanne McJannet. She said that the death of a business partner and subsequent reformation of a partnership necessitated the proposed new name for the holder of the Conditional Permit.

The Staff Planner advised that, according to analysis provided by the State Real Estate Commission, the condition requiring a Supplemental Public Report was no longer appropriate.

Your Committee recommended nonsubstantive revisions to the proposed bill.

Your Committee voted to recommend passage of the proposed bill and filing of the communication.

Your Committee is in receipt of a revised proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3095 (2002) PERTAINING TO THE GRANTING OF A CONDITIONAL PERMIT TO OPERATE A TRANSIENT VACATION RENTAL OFFICE WITHIN THE COUNTY A-2 APARTMENT DISTRICT, FOR PROPERTY SITUATED AT 280 HAUOLI STREET, MAALAEA, MAUI, HAWAII", incorporating nonsubstantive revisions.

Your Planning and Land Use Committee **RECOMMENDS** the following:

1. That Bill No. \_\_\_\_\_ (2004), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3095 (2002) PERTAINING TO THE GRANTING OF A CONDITIONAL PERMIT TO OPERATE A TRANSIENT VACATION RENTAL OFFICE WITHIN THE COUNTY A-2 APARTMENT DISTRICT, FOR PROPERTY SITUATED AT

COUNCIL OF THE COUNTY OF MAUI  
**PLANNING AND LAND USE COMMITTEE**

August 24, 2004  
Page 3

**Committee**  
**Report No.** 04-135

280 HAUOLI STREET, MAALAEA, MAUI, HAWAII" be PASSED  
ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication No. 03-276 be FILED.

Adoption of this report is respectfully requested.

plu:cr:0446ba:dmr

**COUNCIL OF THE COUNTY OF MAUI**  
**PLANNING AND LAND USE COMMITTEE**

August 24, 2004  
Page 4

Committee  
Report No. 04-135

---

**WAYNE K. NISHIKI** **Chair**

---

**DANNY A. MATEO** **Member**

---

**G. RIKI HOKAMA** **Vice-Chair**

---

**MICHAEL J. MOLINA** **Member**

---

**ROBERT CARROLL** **Member**

---

**JOSEPH PONTANILLA** **Member**

---

**JO ANNE JOHNSON** **Member**

---

**CHARMAINE TAVARES** **Member**

---

**DAIN P. KANE** **Member**