

COUNCIL OF THE COUNTY OF MAUI

# PLANNING AND LAND USE COMMITTEE

December 14, 2004

Committee  
Report No.

04-230

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 February 23, 2004 (Lahaina); August 31, 2004; and November 30, 2004, makes reference to County Communication No. 03-306, from the Planning Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE WEST MAUI COMMUNITY PLAN AND LAND USE MAP FROM BUSINESS/COMMERCIAL TO HOTEL FOR THE PLANTATION INN PROJECT FOR PROPERTIES SITUATED AT 174 LAHAINALUNA ROAD AND 7820 B PANAWEA STREET, LAHAINA, MAUI, HAWAII". The purpose of the proposed bill is to change the Community Plan designation from Business/Commercial to Hotel for the Plantation Inn Project for properties located at 174 Lahainaluna Road and 7820 B Panaewa Street, Lahaina, comprising approximately 37,752 square feet.
2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM B-2 COMMUNITY BUSINESS DISTRICT AND THE R-1 RESIDENTIAL DISTRICT TO THE H-M HOTEL DISTRICT (CONDITIONAL ZONING) FOR PROPERTIES SITUATED AT 174 LAHAINALUNA ROAD AND 7820 B PANAWEA STREET, LAHAINA, MAUI, HAWAII". The purpose of the proposed bill is to conditionally change the zoning from B-2 Community Business District and R-1 Residential District to H-M Hotel District for the Plantation Inn Project for properties located at 174 Lahainaluna Road and 7820 B Panaewa Street, Lahaina, comprising approximately 37,752 square feet.

Kaanapali Beach Hotel, Ltd., which owns Plantation Inn, has applied for a Community Plan Amendment and Change in Zoning to make the subject

COUNCIL OF THE COUNTY OF MAUI

# PLANNING AND LAND USE COMMITTEE

December 14, 2004  
Page 2

Committee  
Report No. 04-230

properties' land use designations consistent with existing and new hotel uses, including 14 new hotel units.

Your Committee notes that the Maui Planning Commission held a public hearing on the application on September 9, 2003.

Your Committee further notes that the Maui Planning Commission, after reviewing the findings presented in the documents entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION SEPTEMBER 9, 2003" and "MAUI PLANNING DEPARTMENT'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION SEPTEMBER 9, 2003", voted to recommend approval of the proposed bills on September 9, 2003.

The Maui Planning Commission voted to recommend approval of the Change in Zoning subject to the following condition:

1. That building heights be limited to thirty-five (35) feet.

At its meeting of February 23, 2004, in Lahaina, your Committee met with the Director of Transportation; the Planning Director; a Staff Planner, Department of Planning; a Police Lieutenant, Department of Police; two Deputy Corporation Counsel; and Mike White, General Manager, Kaanapali Beach Hotel, Rory Frampton, Senior Planner, Chris Hart & Partners, Inc., and Steven Heller, Project Architect, on behalf of Kaanapali Beach Hotel, Ltd.

Mr. Frampton testified in support of the proposed bills.

The Staff Planner from the Department of Planning provided a brief overview of the application.

The Planning Director advised that the Maui Planning Commission would have to issue a Special Management Area (SMA) permit before new development could occur on the subject properties. He further advised that the Maui Planning Commission could consider imposing appropriate conditions on an SMA permit.

COUNCIL OF THE COUNTY OF MAUI

# PLANNING AND LAND USE COMMITTEE

December 14, 2004  
Page 3

Committee  
Report No. 04-230

Your Committee discussed potential traffic and parking impacts arising from enactment of the proposed bills.

Your Committee also discussed the standard affordable-housing condition that applies to hotel developments. Your Committee queried whether the appropriate ratio for this project would be one affordable unit for each four hotel units or fraction thereof (1:4), as specified in Chapter 2.94, Maui County Code, or one affordable unit for each six hotel units or fraction thereof (1:6) as was formerly provided in the County Code. Mr. Frampton suggested that, because of the timing of prior approvals for the project, the 1:6 ratio would be applicable.

Your Committee deferred consideration of the proposed bills pending further discussion.

By correspondence dated August 27, 2004, Rory Frampton, Senior Planner, Chris Hart & Partners, Inc., advised that Kaanapali Beach Hotel, Ltd. would voluntarily comply with the 1:4 ratio of affordable units to hotel units, provided for in Chapter 2.94, Maui County Code.

By correspondence dated August 30, 2004, the Chair of your Committee transmitted paper copies of a computer-generated slide show regarding the application, submitted by Rory Frampton, Senior Planner, Chris Hart & Partners, Inc., on behalf of Kaanapali Beach Hotel, Ltd.

At its meeting of August 31, 2004, your Committee met with the Director of Public Works and Environmental Management; the Planning Director; two Staff Planners, Department of Planning; a Deputy Corporation Counsel; and Mike White, General Manager, Kaanapali Beach Hotel, Rory Frampton, Senior Planner, Chris Hart & Partners, Inc., and Steven Heller, Project Architect, on behalf of Kaanapali Beach Hotel, Ltd.

Mr. Frampton testified in support of the proposed bills. Mr. Frampton provided a photograph and map depicting portions of the subject properties.

The Staff Planner from the Department of Planning provided a brief overview of the application.

COUNCIL OF THE COUNTY OF MAUI

# PLANNING AND LAND USE COMMITTEE

December 14, 2004  
Page 4

Committee  
Report No. 04-230

Your Committee discussed possible means of satisfying the applicable affordable-housing condition with Mr. Frampton and Mr. White.

In response to your Committee's inquiry, Mr. White advised that there were no plans to have time-share units at the Plantation Inn.

Your Committee deferred consideration of the proposed bills pending further discussion.

At its meeting of November 30, 2004, your Committee met with the Director of Public Works and Environmental Management; the Director of Housing and Human Concerns; the Planning Director; the Planning Program Administrator, Department of Planning; a Deputy Corporation Counsel; and Mike White, General Manager, Kaanapali Beach Hotel; and Rory Frampton, Senior Planner, Chris Hart & Partners, Inc., on behalf of Kaanapali Beach Hotel, Ltd.

Your Committee noted that Kaanapali Beach Hotel, Ltd. had volunteered to provide one affordable unit for each four hotel units or fraction thereof, as specified in Chapter 2.94, Maui County Code. Your Committee inquired as to the means of satisfying the applicable affordable-housing condition. Mr. Frampton and Mr. White informed your Committee that Kaanapali Beach Hotel, Ltd. intended to satisfy the affordable-housing condition by serving as a co-developer of an affordable-housing project initiated by Lokahi Pacific, Inc. in West Maui. JoAnn Ridao, Managing Director, Lokahi Pacific, Inc., provided background information on the affordable-housing project. The Director of Housing and Human Concerns advised that this proposal would be an appropriate means of satisfying the applicable affordable-housing condition.

Your Committee voted to revise the Change in Zoning bill to incorporate technical revisions and add a second condition to read as follows: "That Chapter 2.94, Maui County Code, shall apply."

Your Committee also voted to revise the Community Plan Amendment bill to incorporate technical revisions.

Your Committee voted to recommend passage of the proposed bills, as revised, and filing of the communication.

COUNCIL OF THE COUNTY OF MAUI

# PLANNING AND LAND USE COMMITTEE

December 14, 2004  
Page 5

Committee  
Report No. 04-230

Your Committee is in receipt of revised proposed bills, approved as to form and legality, incorporating your Committee's revisions.

Your Committee is also in receipt of an agreement entitled "UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING", executed by Kaanapali Beach Hotel, Ltd., incorporating the two conditions contained in the Change in Zoning bill.

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 TO AMEND THE WEST MAUI COMMUNITY PLAN AND LAND USE MAP FROM BUSINESS/COMMERCIAL TO HOTEL FOR THE PLANTATION INN PROJECT FOR PROPERTIES SITUATED AT 174 LAHAINALUNA ROAD AND 7820 B PANAewa STREET, LAHAINA, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill No. \_\_\_\_\_ (2004), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM B-2 COMMUNITY BUSINESS DISTRICT AND THE R-1 RESIDENTIAL DISTRICT TO THE H-M HOTEL DISTRICT (CONDITIONAL ZONING) FOR PROPERTIES SITUATED AT 174 LAHAINALUNA ROAD AND 7820 B PANAewa STREET, LAHAINA, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That the County Clerk RECORD the "UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING"; and
4. That County Communication No. 03-306 be FILED.

Adoption of this report is respectfully requested.

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

December 14, 2004  
Page 6

Committee  
Report No. 04-230

---

**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**