

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

April 1, 2011

**Committee
Report No.** _____

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

Chair and Members:

Your Land Use Committee, having met on March 16, 2011, makes reference to County Communication No. 10-232, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO HOTEL FOR TAX MAP KEY NUMBER (2) 3-9-004:025, KIHEI, MAUI, HAWAII".

The purpose of the proposed bill is to grant a request from the Hale Hui Kai Association of Apartment Owners for a Community Plan Amendment from Single-Family to Hotel for approximately 45,690 square feet of property at 2994 South Kihei Road, Kihei, Maui, Hawaii ("subject property"). The proposed community plan amendment will establish consistency with the property's current zoning, H-M Hotel District.

Your Committee notes that the Maui Planning Commission recommended that the proposed bill be approved without conditions.

According to Mark Roy, Project Manager, Munekiyo & Hiraga, Inc., the Hale Hui Kai Resort was built in 1971, in accordance with the 1970 Kihei Civic Development Plan, which designated the property as "Hotel", and the County zoning maps, which also designated the property as "Hotel". When the Kihei-Makena Community Plan was adopted in 1985, the community plan designation was changed to "Single-Family", in conflict with the existing use and County zoning for the subject property. The 1998 update to the Kihei-Makena Community Plan retained the subject property's "Single-Family" designation. Because of the inconsistencies between the community plan designation and zoning, the County considers the existing buildings on the subject property as nonconforming. As a nonconforming structure, the landowners would be unable to receive permits for repair and maintenance work and could not rebuild the resort if the building was destroyed in a catastrophic event. Your Committee notes that the proposed bill will resolve the inconsistencies between the subject property's community plan designation and zoning.

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

April 1, 2011
Page 2

Committee
Report No. _____

Your Committee voted 8-0 to recommend passage of the proposed bill on first reading and filing of the communication. Committee Chair Carroll, Vice-Chair White, and members Cochran, Couch, Hokama, Mateo, Pontanilla, and Victorino voted "aye". Committee member Baisa was excused.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Land Use Committee RECOMMENDS the following:

1. That Bill No. _____ (2011), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND THE KIHAI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO HOTEL FOR TAX MAP KEY NUMBER (2) 3-9-004:025, KIHAI, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 10-232 be FILED.

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

April 1, 2011
Page 3

Committee
Report No. _____

This report is submitted in accordance with Rule 8 of the Rules of the Council.



ROBERT CARROLL, Chair

lu:cr:11047aa:kmh

ORDINANCE NO. _____

BILL NO. _____ (2011)

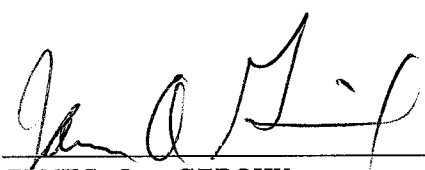
A BILL FOR AN ORDINANCE TO AMEND THE
KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP
FROM SINGLE-FAMILY TO HOTEL FOR TAX MAP KEY NUMBER
(2)3-9-004:025, KIHEI, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Kihei-Makena Community Plan and Land Use Map is hereby amended from Single-Family to Hotel for property situated at Kihei, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2)3-9-004:025, comprising 45,690 square feet, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Community Plan Map No. CP-534, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

S:\CLERICAL\LJN\ORD\CPA\39004025cpa.wpd

Being all of Land Patent Grant 13225 to Yasuko Nakagawa Watanabe and a portion of Royal Patent Grant 1959 to Mahi.

Situate at Kamaole, Wailuku (Kula), Maui, Hawaii.

Beginning at the Southeast corner of the parcel of land, being also the Northeast corner of Lot 49 of the Kamaole Beach Lots (Keawakapu Section) on the West side of South Kihei Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being 9,777.28 feet South and 20,032.36 feet West thence running by azimuths measured clockwise from true South:

1. 84° 30' 337.88 feet along Lot 49 of the Kamaole Beach Lots (Keawakapu Section);
2. 171° 30' 12" 132.00 feet along Government Beach Reserve;
3. 264° 30' 356.83 feet along Government Land;

Thence along the West side of South Kihei Road, on a curve to the left with a radius of 1939.86 feet, the chord azimuth and distance being:

4. 359° 43' 21" 132.37 feet to the point of beginning and containing an area of 45,690 square feet.

EXHIBIT " A "