

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

October 7, 2016

Committee
Report No. _____

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

Chair and Members:

Your Planning Committee, having met on September 20, 2016, makes reference to County Communication 11-220, from Council Chair Danny A. Mateo, transmitting correspondence dated August 11, 2011, from Isaac D. Hall, regarding Makena Resort's compliance with Condition 32 of Ordinance 3613 (2009), relating to construction of public parking stalls at Maluaka Beach, expansion of the beach park at the south end of Maluaka Beach, and shoreline access.

Your Committee notes Ordinance 3613 (2009) granted Makena Resort a Change in Zoning for 20 parcels, with the resulting zoning districts designated for hotel, business, residential, and park uses. The property subject to the Change in Zoning is situated at Kihei, Maui, Hawaii and is comprised of 603.303 acres. An additional 152.386 acres of Makena Resort was not rezoned in 2009 and maintained its hotel, apartment, and residential zoning granted by the Council pursuant to Ordinance 832 (1975).

The Council imposed 44 conditions on the project to mitigate the potential negative impacts resulting from the Change in Zoning. Condition 22 of Ordinance 3613 (2009) requires Makena Resort to provide an annual report to the Council on its compliance with each of the conditions of zoning. Your Committee notes that Item 15 is a separate item in your Committee, titled "Annual Compliance Report – Makena Resort," under which the landowner submits annual compliance reports in accordance with Condition 22. The subject matter of this item concerns only the landowner's compliance with Condition 32 as it relates to the expansion of the beach park.

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Your Committee further notes the Makena Resort project contains 441.290 acres that are zoned for park use. Your Committee notes the zoning for the Park District as established by ordinance was PK-1, Neighborhood Park District, 4.205 acres; and PK-4, Golf Course Park District, 437.085 acres. The Council established new zoning for all park districts in Ordinance 4264 (2015), thereby, rezoning PK-1 to PK, General Park; and PK-4 to GC, Golf Course.

The current landowner, ATC Makena Holdings, Inc., submitted a letter to your Committee dated September 16, 2016, with an attached map showing the location of the Maluaka Beach Park and the proposed expansion area. ATC Makena informed your Committee that the expansion location had been selected in coordination with community stakeholders and the Department of Parks and Recreation. The proposed expansion area, located south of the existing beach park, is 0.66 acres in size and, with the existing park area, will bring the total area to the 1.5 acres required by Condition 32.

Mr. Hall informed your Committee that he represented Hui Alanui O Makena, a public interest group that advocated for the expansion of the Maluaka Beach Park area to the south. In 1987, the group entered into a settlement agreement with the landowner to, in part, expand the beach to the south. In 2011, when Mr. Hall wrote the letter to the Council, he stated the then operators of the Makena Resort were conducting commercial activities within the designated expansion area. Mr. Hall stated the group has worked with the current landowner to expand the park to the south and no longer has the concerns raised in 2011.

Both the Planning Director and the Director of Parks and Recreation expressed to your Committee their support for the location of the proposed expansion area.

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Your Committee was satisfied that Makena Resort is complying with Condition 32 of Ordinance 3613 (2009).

Your Committee voted 7-0 to recommend filing of the communication. Committee Chair Couch, Vice-Chair Carroll, and members Baisa, Cochran, Guzman, Victorino, and White voted "aye."

Your Planning Committee **RECOMMENDS** that County Communication 11-220 be FILED.

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



DON COUCH, Chair

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