

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

July 25, 2008

**Committee
Report No.**

08-79

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

Chair and Members:

Your Land Use Committee, having met on July 2, 2008 and July 7, 2008, makes reference to County Communication No. 08-22, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2185 (1992), PERTAINING TO THE GRANTING OF A CONDITIONAL PERMIT TO DR. ROGER KEHLER TO ALLOW FOR THE CONTINUED OPERATION OF KIHEI VETERINARY CLINIC, SITUATED AT 95 WAIOHULI STREET, KIHEI, MAUI, HAWAII".

The purpose of the proposed bill is to grant a request from Munekiyo & Hiraga, Inc., on behalf of Dr. Roger Kehler, for an extension of his existing Conditional Permit to continue to operate the Kihei Veterinary Clinic on approximately 0.996 acres in the R-3 Residential District, Kihei, Maui, Hawaii, located at the corner of Waiohuli Street and South Kihei Road (TMK: (2) 3-9-10:076).

Your Committee notes that the Maui Planning Commission held a public hearing on the request for a time extension on January 23, 2007.

Your Committee further notes that at its meeting of January 23, 2007, the Maui Planning Commission, after reviewing the findings and recommendations presented in the document entitled "MAUI PLANNING DEPARTMENT'S REPORT AND RECOMMENDATION TO THE MAUI PLANNING COMMISSION January 23, 2007 MEETING" (Department's Report), voted to recommend approval of a five-year extension of the Conditional Permit.

Your Committee also notes that the Conditional Permit was initially granted by Ordinance No. 2185 (effective November 23, 1992), and was to remain valid "for a period of five (5) years from the issuance of the Certificate of Occupancy". According to Exhibit "1" to the Department's Report, the Certificate of Occupancy was issued nearly nine years later, on September 6, 2001. The Maui Planning Commission's recommended five-year extension, therefore, would allow the Conditional Permit to remain valid until September 6, 2011.

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

July 25, 2008
Page 2

Committee
Report No. 08-79

By correspondence dated June 24, 2008, the Chair of your Committee requested that Mich Hirano, Project Manager, Munekiyo & Hiraga, Inc., clarify the address for the subject property.

By correspondence dated June 25, 2008, Mich Hirano, Project Manager, Munekiyo & Hiraga, Inc., advised that the address for the subject property is 1476 South Kihei Road.

By correspondence dated June 27, 2008, the Chair of your Committee requested that the proposed bill be revised to correct the street address and to incorporate technical and nonsubstantive revisions.

By correspondence dated June 27, 2008, the Department of the Corporation Counsel transmitted a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2185 (1992), PERTAINING TO THE GRANTING OF A CONDITIONAL PERMIT TO DR. ROGER KEHLER TO ALLOW FOR THE CONTINUED OPERATION OF KIHEI VETERINARY CLINIC, SITUATED AT 1476 SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII", incorporating the requested revisions.

At its meeting of July 2, 2008, your Committee met with the Planning Director; a Planner, Department of Planning; the Deputy Director of Public Works; a Deputy Corporation Counsel; Dr. Roger Kehler, the applicant; and Mich Hirano, Project Manager, Munekiyo & Hiraga, Inc.

There was no public testimony.

Your Committee experienced technical difficulties with the audio equipment and recessed its meeting to July 7, 2008.

At its reconvened meeting of July 7, 2008, your Committee met with the Planning Director; a Planner, Department of Planning; the Deputy Director of Public Works; a Deputy Corporation Counsel; Dr. Roger Kehler, the applicant; and Mich Hirano, Project Manager, Munekiyo & Hiraga, Inc.

The Planner provided an overview of the request. He also advised your Committee that he had conducted a site visit of the property and that no complaints had been received concerning the operation.

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

July 25, 2008
Page 3

Committee
Report No. 08-79

Mr. Hirano informed your Committee that the Kihei Veterinary Clinic provides a vital service for animals, including domestic pets. He advised that Dr. Kehler continues to comply with all conditions of the Conditional Permit. He requested that your Committee consider granting a longer duration for the extension, to expire five years from the date of your Committee's meeting.

Your Committee asked whether Dr. Kehler had considered seeking a Change in Zoning, rather than repeated extensions of the Conditional Permit under which he had been allowed to operate the clinic since 1992. Mr. Hirano advised that Dr. Kehler would be pursuing a Change in Zoning prior to the expiration of the Conditional Permit time extension, if granted.

Your Committee recommended that Condition No. 1 of the proposed bill be revised to increase the Maui Planning Commission's recommended five-year extension by two years, to account for the passage of time since the time extension request was submitted in 2006. Since the Conditional Permit was initially granted for a period of five years from the issuance of the Certificate of Occupancy, your Committee's recommended seven-year extension would therefore expire on September 6, 2013 (12 years from the September 6, 2001 issuance of the Certificate of Occupancy).

Your Committee voted to recommend passage of a revised proposed bill incorporating the increased duration and filing of the communication.

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

Your Land Use Committee RECOMMENDS the following:

1. That Bill No. _____ (2008), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2185 (1992), PERTAINING TO THE GRANTING OF A CONDITIONAL PERMIT TO DR. ROGER KEHLER TO ALLOW FOR THE CONTINUED OPERATION OF KIHEI VETERINARY CLINIC, SITUATED AT 1476 SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

July 25, 2008
Page 4

Committee
Report No. 08-79

2. That County Communication No. 08-22 be FILED.

Adoption of this report is respectfully requested.

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COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

July 25, 2008
Page 5

Committee
Report No. 08-79

MICHAEL J. MOLINA **Chair**

JO ANNE JOHNSON **Member**

JOSEPH PONTANILLA **Vice-Chair**

DANNY A. MATEO **Member**

MICHELLE ANDERSON **Member**

BILL KAUAKEA MEDEIROS **Member**

GLADYS C. BAISA **Member**

MICHAEL P. VICTORINO **Member**

G. RIKI HOKAMA **Member**