

LAND USE COMMITTEE

Council of the County of Maui

Meeting Agenda

July 7, 2005

1:30 p.m.

Council Chamber, 8th Floor
200 South High Street, Wailuku, Hawaii

website: <http://www.co.maui.hi.us/committees/LU/>

e-mail: lu.committee@mauicounty.us

COMMITTEE MEMBERS

Robert Carroll, Chair

Joseph Pontanilla, Vice-Chair

Michelle Anderson

G. Riki Hokama

Jo Anne Johnson

Dain P. Kane

Danny A. Mateo

Michael J. Molina

Charmaine Tavares

AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, and for tentative scheduling of agenda items, please contact the Committee Staff (Carla Nakata or Tammy Frias) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Molokai), 1-800-272-0098 (toll-free from Lanai), 808-270-7686 (fax).

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. If written testimony is submitted at the meeting, 16 copies are requested. If written testimony is e-mailed or faxed, please submit at least 24 hours before the meeting so that copies can be provided to Council members in a timely manner.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Office of Council Services at least three days in advance.

DOCUMENTS ON FILE WITH THE COMMITTEE, which may include correspondence relating to the agenda items below, may be inspected prior to the meeting date. Photocopies may be ordered, subject to charges imposed by law (Maui County Code, Sec. 2.64.010). Please contact the Office of Council Services to make arrangements for inspection or photocopying of documents.

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LU-40

DISTRICT BOUNDARY AMENDMENT, CHANGE IN ZONING, AND CONDITIONAL PERMIT FOR “BANYAN TREE BED & BREAKFAST” (MAKAWAO)

DESCRIPTION:

The Committee is in receipt of the following:

1. County Communication No. 02-55, from the former Planning Director, transmitting proposed bills to grant a District Boundary Amendment, Conditional Change in Zoning, and Conditional Permit to Marty Herling for the operation of a transient vacation rental operation known as the “Banyan Tree Bed & Breakfast” on approximately 2.102 acres at 3265 Baldwin Avenue, Hamakuapoko-Makawao, Maui (TMK: (2) 2-4-02:002).
2. Correspondence dated May 10, 2005, from the Department of the Corporation Counsel, transmitting a revised proposed Conditional Permit bill for the “Banyan Tree Bed & Breakfast” and the following:
 - a. A revised proposed bill entitled “A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT HAMAKUAPOKO - MAKAWAO, MAUI, HAWAII”.

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The purpose of the revised proposed bill is to grant a District Boundary Amendment for the operation of the "Banyan Tree Bed & Breakfast".

- b. A revised proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO RU-1 RURAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT HAMAKUAPOKO - MAKAWAO, MAUI, HAWAII".

The purpose of the revised proposed bill is to grant a Conditional Change in Zoning for the operation of the "Banyan Tree Bed & Breakfast".

3. Correspondence dated June 22, 2005, from the Planning Director, transmitting comments relating to additional conditions recommended for inclusion in the proposed Conditional Permit bill.
4. Correspondence dated June 29, 2005, from the Department of the Corporation Counsel, transmitting a further revised proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT TO MARTY HERLING FOR A TRANSIENT VACATION RENTAL WITHIN THE RU-1 RURAL ZONING DISTRICT FOR PROPERTY SITUATED AT 3265 BALDWIN AVENUE, HAMAKUAPOKO - MAKAWAO, MAUI, HAWAII". The purpose of the revised proposed bill is to incorporate the additional conditions recommended by the Department of Planning.

STATUS:

At its meeting of June 1, 2005, the Committee recommended that the revised proposed District Boundary Amendment bill and the revised proposed Conditional Change in Zoning bill be passed on first reading. The Committee may consider further revisions to these revised proposed bills. The Committee may consider whether to recommend passage of the further revised proposed Conditional Permit bill on first reading, with or without further revisions. The Committee may also consider the filing of County Communication No. 02-55 and other related action.