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COUNTY COUNCIL
COUNTY OF MAUI
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WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

September 28, 2017

Mr. William Spence, Director
Department of Planning
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Spence:

**SUBJECT: CONDITIONAL PERMIT FOR CONTINUED
OPERATION OF A PARKING LOT ON PROPERTY
IDENTIFIED AS TAX MAP KEY (2) 2-1-008:141
(WAILEA) (LU-44)**

The Land Use Committee is in receipt of County Communication 17-364, from you, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING A CONDITIONAL PERMIT IN ORDER TO EXTEND AND CONTINUE OPERATING A PARKING LOT WITHIN THE A-2 APARTMENT DISTRICT, AND TRANSFERRING THE PERMIT HOLDER FROM SOUTH MAUI BUSINESS PARTNERS TO WAILEA GOLF LLC, FOR PROPERTY IDENTIFIED AS TAX MAP KEY NUMBER (2) 2-1-008:141, WAILEA, KIHEI, MAUI, HAWAII."

The purpose of the proposed bill is to grant a request from Anne M. Takabuki, Manager, Wailea Golf LLC, for an amendment to a Conditional Permit granted by Ordinance 2829 (2000) to allow for the continued operation of a parking lot on approximately 24,066 square feet of land within the A-2 Apartment District, identified for real property tax purposes as tax map key (2) 2-1-008:141. The proposed bill would authorize an extension and transfer of the Conditional Permit.

According to the "MAUI COUNTY PLANNING DEPARTMENT'S REPORT AND RECOMMENDATION TO THE MAUI PLANNING COMMISSION APRIL 12, 2016 MEETING," at page 2, on November 24, 2009, Anne Takabuki requested a time extension and transfer of the Conditional Permit to Wailea Golf LLC. The

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Department's Report further states that Wailea Golf LLC is the current owner of the property, and the permit holder is South Maui Business Park Partners.

The Department's Report, at page 4, states, "The applicant had difficulty obtaining proper authorization for the transfer from South Maui Business Park Partners to Wailea Golf LLC because according to the applicant, South Maui Business Park Partners was dissolved and no longer exists. On August 22, 2013, the Department obtained proper authorization for the transfer from J. Stephen Goodfellow, the permit-holder for South Maui Business Park Partners."

The Committee has also received your correspondence dated September 20, 2017, stating that on March 21, 2016, a time extension of the Conditional Permit had been administratively approved through February 28, 2030, pursuant to Section 19.40.090, Maui County Code, and suggesting the proposed bill be revised accordingly.

May I please request your response to the following:

1. Subsection 19.40.090(C)(1), Maui County Code, provides that the Planning Director may approve the application for time extension if certain criteria are met, including a requirement that the permit holder is in compliance with the conditions of approval. If the permit holder at the time the extension was granted was South Maui Business Park Partners, and South Maui Business Park Partners had been dissolved, how was the requirement of the permit holder's compliance with the conditions of approval satisfied? Please explain.
2. Was the Department authorized to approve a time extension of the Conditional Permit to Wailea Golf LLC prior to the transfer of the Conditional Permit to Wailea Golf LLC? Please explain.
3. If the Planning Director could not administratively approve the time extension because the permit holder had been dissolved and the Conditional Permit had not yet been transferred, please provide your Department's recommendations on the proposed bill.

Apart from questions regarding the time extension of the Conditional Permit, it appears the following revisions are also needed to the proposed bill, which will be requested once the substantive issues are resolved:

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1. Section 1 provides a street address of "131 Wailea Iki Place." The real property tax database shows a street address of "0 Wailea Ike Place." Please advise.
2. Conditions 4 through 6 should have revisions incorporated in Ramseyer format (compare Ordinance 2829).

Because I intend to schedule this matter for discussion at the Committee's meeting of October 4, 2017, I would appreciate receiving your response by **Tuesday, October 3, 2017**, if feasible. I apologize for the lateness of this request.

To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (Carla Nakata at ext. 7659, or Clarita Balala at ext. 8007).

Sincerely,



ROBERT CARROLL, Chair
Land Use Committee

lu:ltr:044apl01:cmn

cc: Mayor Alan M. Arakawa
Livit Callentine, Planner, Department of Planning
James Giroux, Deputy Corporation Counsel
Michael Hopper, Deputy Corporation Counsel