

COUNCIL OF THE COUNTY OF MAUI
PLANNING AND SUSTAINABLE LAND
USE COMMITTEE

February 18, 2022

Committee
Report No. _____

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

Chair and Members:

Your Planning and Sustainable Land Use Committee, having met on December 16, 2021, and January 25, 2022, makes reference to County Communication 14-162, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT 1813 BALDWIN AVENUE, TAX MAP KEY NO. (2) 2-5-004:007, MAKAWAO, MAUI, HAWAII."

The purpose of the proposed bill is to grant a Change in Zoning from Interim District to P-1 Public/Quasi-Public District, with conditions, for 5.66 acres located in Makawao, Maui, Hawai'i, identified for real property tax purposes as tax map key (2) 2-5-004:007, for Lumeria Maui, LLC (formerly Soulspace Ranch, LLC), owned by Maui Retreat Center, LLC.

Your Committee notes that the Council's Land Use Committee (2013-2015 Council term) met on July 30, 2014.

Your Committee notes the District Boundary Amendment for Soulspace Ranch, LLC was approved on December 10, 2012, with conditions (Ordinance 3990).

Of the nine conditions imposed, one was the requirement to apply for a Change in Zoning from Interim District to P-1-Public/Quasi-Public District within one year after Ordinance 3990 was enacted. Soulspace Ranch, LLC applied for a Change in Zoning on March 28, 2013.

Another requirement was the submittal of an annual report to the Department of Planning to confirm the property's public/quasi-public use.

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The report would include the number and types of classes offered, the number of students enrolled, and the number of classes attended by overnight lodgers in the dormitory units. The reporting requirement would cease once the Change in Zoning was approved.

Your Committee notes the Maui Planning Commission reviewed the proposed Change in Zoning bill at its meeting of November 26, 2013, and recommended approval with no conditions.

Your Committee notes Maui Retreat Center, LLC purchased the property in 2014. The conditions of the District Boundary Amendment under Ordinance 3990 transferred to Maui Retreat Center, LLC as the new owner.

Your Committee further notes from July 8, 2014 through January 24, 2018, the Department of Planning requested compliance updates from Lumeria Maui. The Department reported continued noncompliance with conditions relating to overnight lodging, class enrollment, submission of annual reports, and advertisement. Despite this, and with relatively little complaints from neighbors, the property continued to operate from 2013 through 2021.

By correspondence dated November 23, 2021, the Planning Director reported that Lumeria Maui is not in compliance with five of the nine conditions of Ordinance 3990.

According to the Department, the majority of services offered consisted of overnight stays with spa amenities, and dining and events, which operated like a boutique hotel, rather than a school.

Your Committee notes the Department recommended denial of the requested Change in Zoning, but would instead allow Lumeria Maui to submit a Community Plan Amendment and Change in Zoning application to operate as a hotel.

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Your Committee received a virtual tour of the property from representatives of Lumeria Maui on January 25, 2022.

Following the virtual tour, your Committee proposed the following conditions of P-1 Public/Quasi Public District zoning:

1. Lumeria Maui must apply for a Conditional Permit to operate a wellness retreat, education center, and 24-room dormitory within six months of the effective date of the ordinance.
2. Lumeria Maui must not build new dormitory rooms or increase the amount of or expand the size of the 24-room dormitory as existing on January 1, 2022.
3. Lumeria Maui must require guests to register for one educational class per day and sign a class-enrollment agreement form to qualify for dormitory-room use.
4. Lumeria Maui must ensure a 24-hour telephone number for the property manager is available to property owners within a 500-foot radius of the property.
5. Lumeria Maui may only operate an amplified sound system between 9:00 a.m. and 8:00 p.m.

After an extensive discussion, Lumeria Maui declined to accept the above proposed conditions.

The Planning Director said Lumeria Maui would remain in Interim Zoning that allows for universities. The Department confirmed it would continue to enforce the conditions of the District Boundary Amendment to ensure Lumeria Maui is in compliance with Interim District zoning requirements.

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Your Committee voted 7-2 to recommend filing of the communication. Committee Chair Paltin, Vice-Chair King, and members Johnson, Kama, Molina, Rawlins-Fernandez, and Sinenci voted "aye." Committee members Lee and Sugimura voted "no."

Your Planning and Sustainable Land Use Committee RECOMMENDS that County Communication 14-162 be FILED.

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

Tamara A. M. Paltin

TAMARA PALTIN, Chair