REQUEST FOR LEGAL SERVICES

D a t e: December 14, 2018

F r o m: **Kelly King, Chair**

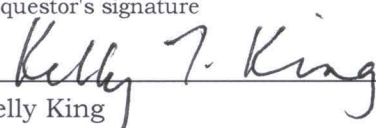   **Planning Committee**

TRANSMITTAL
Memo to: **DEPARTMENT OF THE CORPORATION COUNSEL**
               Attention: Michael Hopper, Esq.

Subject: **COMMUNITY PLAN AMENDMENT AND CONDITIONAL PERMIT FOR MAUI OCEANFRONT INN AND SARENTO'S ON THE BEACH RESTAURANT (KIHEI)** (PC-22)

Background Data: Please review revised proposed bill and, if appropriate, approve them as to form and legality. The revision incorporates an amendment made at the 12/13/2018 reconvened Council meeting. Signed, hard copies are requested with your response.

Work Requested: [ ] FOR APPROVAL AS TO FORM AND LEGALITY

                     [X] OTHER:

Requestor's signature	Contact Person
Kelly T. King Kelly King	Traci Fujita/Leslee Mathews (Telephone Extension: 7687 or 7662)

[ ] ROUTINE (WITHIN 15 WORKING DAYS)   [ ] RUSH (WITHIN 5 WORKING DAYS)
[ ] PRIORITY (WITHIN 10 WORKING DAYS)   [ ] URGENT (WITHIN 3 WORKING DAYS)

[X] SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): December 14, 2018, 2:00 p.m.
REASON: Council posting deadline

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:

TO REQUESTOR: [ ] APPROVED [ ] DISAPPROVED [ ] OTHER (SEE COMMENTS BELOW)
            [ ] RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____
_____
_____
_____

                                   DEPARTMENT OF THE CORPORATION COUNSEL

Date _____   *By* _____
                                                                 (Rev. 7/03)

pc:ltr:022acc03:ldm

Attachments

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY
PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO HOTEL FOR 1.119
ACRES SITUATED AT KIHEI, MAUI, HAWAII,
IDENTIFIED AS TAX MAP KEY (2) 3-9-004:029

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1.   Pursuant to Chapter 2.80B, Maui County Code, the Kihei-Makena Community Plan and Land Use Map is hereby amended from Single-Family to Hotel for property situated at Kihei, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 3-9-004:029, comprising 1.119 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Community Plan Map No. CP-531, attached hereto as Exhibit "B" and made a part hereof.

SECTION 2.   Part III.C.1. of the Kihei-Makena Community Plan, adopted by Ordinance 2641 (1998), relating to Planning Standards, Land Use Standards, is amended by adding a new paragraph g, to read as follows:

"g.   Any The hotel and restaurant located on the property situated at Kihei, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 3-9-004:029, shall not increase their current capacity, density, height, or footprint from what is in existence as of the date of this ordinance."

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

_____

Department of the Corporation Counsel
County of Maui

pc:misc:022acpabill02:ldm

EXHIBIT "A"

GOVERNMENT LOT

Situate on the west side of Piilani Highway,
adjoining Grant 13225 to Yasuko N. Watanabe
and Grant 1959 to Mahi
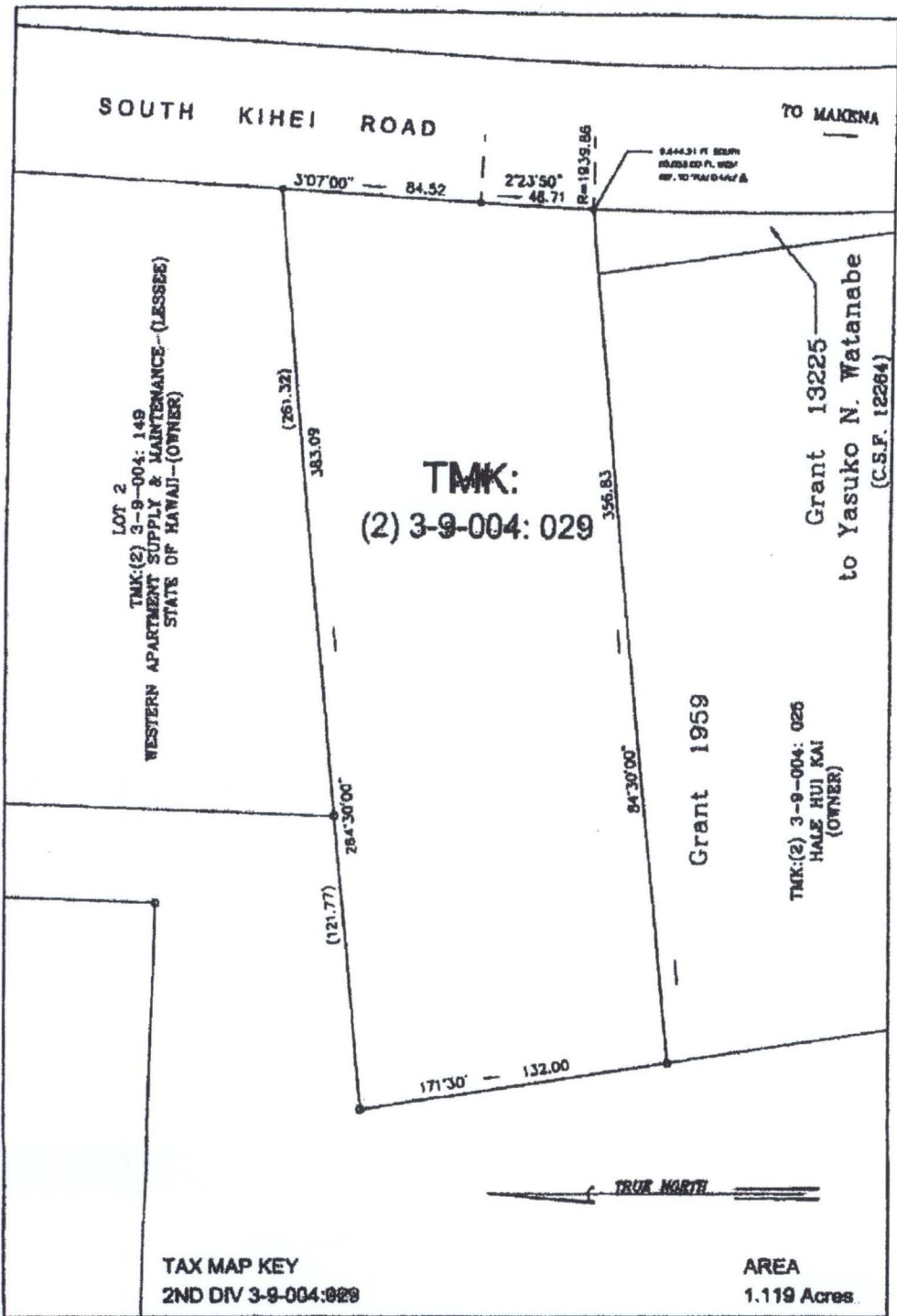
Kamaole, Wailuku (Kula), Maui, Hawaii

Being portion of the Government Land of Kamaole

Beginning at the southeast corner of this parcel of
land, at the northeast corner of Grant 13225 to Yasuko N.
Watanabe and on the west side of Piilani Highway, the coordi-
nates of said point of beginning referred to Government Survey
Triangulation Station "PUU O KALI" being 9644.91 feet South
and 20,033.00 feet West, as shown on Government Survey Regis-
tered Map 3005 and running by azimuths measured clockwise from
True South:-

1. 84° 30'   356.83 feet along Grant 13225 to Yasuko N.
                 Watanabe and Grant 1959 to
                 Mahi;

2. 171° 30'   132.00 feet along Government Beach Reserve;

3. 264° 30'   383.09 feet along Government Beach Reserve;

4. 3° 07'   84.52 feet along the west side of Piilani
                 Highway;

5. Thence along the west side of Piilani Highway, on a curve
                 to the left having a radius of
                 1939.86 feet, the chord azimuth
                 and distance being: 2° 23' 50"
                 49.71 feet to the point of
                 beginning and containing an
                 AREA OF 1.119 ACRES.

SOUTH   KIHEI   ROAD

TO MAKENA

3°07'00" — 84.52

2°23'50" — 46.71

R=1939.86

9,444.31 Ft. SOUTH
55,105.00 Ft. WEST
REF. TO TRAVERSE A

Grant 13225
to Yasuko N. Watanabe
(C.S.F. 12284)

LOT 2
TMK:(2) 3-9-004: 149
WESTERN APARTMENT SUPPLY & MAINTENANCE—(LESSEE)
STATE OF HAWAII—(OWNER)

(261.32)

383.09

TMK:
(2) 3-9-004: 029

356.83

84°30'00"

Grant 1959

TMK:(2) 3-9-004: 026
HALE HUI KAI
(OWNER)

284°30'00"

(121.77)

171°30' — 132.00

TRUE NORTH

TAX MAP KEY
2ND DIV 3-9-004:029

AREA
1.119 Acres

COMMUNITY PLAN MAP NO. 531

COMMUNITY PLAN AMENDMENT - KIHEI, MAUI, HAWAII
FROM SINGLE FAMILY (SF) RESIDENTIAL TO HOTEL (H)

APPROVED

COUNTY CLERK   DATE

APPROVED   7-2-09
PLANNING DIRECTOR   DATE

PUBLIC HEARING: NOVEMBER 25, 2008
ADOPTED - COUNCIL:
ADOPTED - MAYOUR:
ORDINANCE:

DATE:

SCALE: 1" = 50'

OFFICE OF THE COUNTY CLERK

200 South High Street, Wailuku, Maui, Hawaii 96793

CP-531