

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

September 20, 2017

RECEIVED

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OFFICE OF THE MAYOR

Honorable Alan Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Robert Carroll, Chair
and Members of the Land Use Committee
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Mayor Date

Dear Chair Carroll and Members:

SUBJECT: AMENDMENT TO EXISTING ORDINANCE NO. 2829 IN ORDER TO TRANSFER A CONDITIONAL PERMIT (CP) TO CONTINUE OPERATING A PARKING LOT WITHIN THE A-2 APARTMENT DISTRICT FOR PROPERTY SITUATED AT WAILEA, KIHEI, ISLAND OF MAUI, HAWAII; TMK: 2-1-008:141 (CP 99/0007)

The Department of Planning (Department) is transmitting for your review and action this supplement to the request for transfer filed by Anne M. Takabuki of Wailea Golf LLC, and transmitted to County Council on August 30, 2017.

The draft ordinance prepared by the Department of Corporation Counsel stated the action required by Council is to extend and transfer the subject CP. Please be advised that on March 21, 2016, pursuant to 19.40.090, Maui County Code (MCC), the Director of Planning (Director) approved a time extension of the CP to **February 28, 2030**; therefore, there is no need for Council to address an extension in its ordinance. (See **Exhibit "1"**)

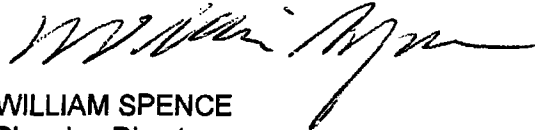
Inasmuch, as Council approval for transfer of the CP is required, the Department respectfully transmits suggested revisions to the draft ordinance as follows:

1. Proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING A CP IN ORDER TO [EXTEND AND] CONTINUE OPERATION OF A PARKING LOT WITHIN THE A-2 APARTMENT DISTRICT, AND TRANSFERRING THE PERMIT HOLDER FROM SOUTH MAUI BUSINESS PARK PARTNERS TO WAILEA GOLF LLC, FOR PROPERTY IDENTIFIED AS TAX MAP KEY (TMK) NUMBER (2) 2-1-008:141, WAILEA, KIHEI, ISLAND OF MAUI, HAWAII."

Honorable Alan M. Arakawa, Mayor
For Transmittal to:
Honorable Robert Carroll, Chair
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Thank you for your attention to this matter. Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely,



WILLIAM SPENCE
Planning Director

Attachment

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Livit U. Callentine, AICP, Staff Planner (PDF)
Maui Planning Commission Members
via Carolyn Takayama-Corden, Secretary to the Boards and Commissions (PDF)
Tessa Munekiyo Ng, Munekiyo Hiraga

WRS:LUC:ela

Project File
General File

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ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

November 17, 2016

Ms. Anne Takabuki, President & General Manager
Wailea Golf LLC
100 Wailea Golf Club Drive
Kihei, Hawaii 96753

Dear Ms. Takabuki:

SUBJECT: RECOMMENDATION OF APPROVAL OF A REQUEST TO TRANSFER A CONDITIONAL PERMIT (CP) FROM SOUTH MAUI BUSINESS PARK PARTNERS TO WAILEA GOLF LLC, IN ORDER TO CONTINUE OPERATING A PARKING LOT WITHIN THE A-2 APARTMENT DISTRICT, LOCATED AT TMK: (2) 2-1-008:141; TO PROVIDE OFF-SITE PARKING FOR THE WAILEA TENNIS CENTER LOCATED AT TMK: (2) 2-1-008:123, 131 WAILEA IKI PLACE, KIHEI, ISLAND OF MAUI, HAWAII; (CP 99/0007)

At the regular meeting on April 12, 2016, the Maui Planning Commission (Commission) reviewed the above request, offered to accept testimony and exhibits, and after due deliberation, recommended approval of the Applicant's request for transfer of the Conditional Permit to the Maui County Council (Council).

The following amended Conditional Permit conditions were recommended by the Commission on April 12, 2016 for approval by the Council. Amendments to the conditions are shown in [brackets] for removal and underlined for addition.

Conditional Permit Conditions of Approval

1. That full compliance with all applicable governmental requirements shall be rendered.
2. That the Conditional Permit shall be valid until February 28, 2030; provided that, an extension of this permit beyond this period may be granted pursuant to Section 19.40.090 of the Maui County Code.
3. That the Conditional Permit shall be [non]transferable by the Planning Director following the provisions of Section 19.40.080(D) of the Maui

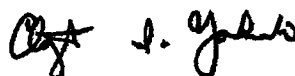
**County Code [without prior written approval of the Maui County Council].
(Recommended by the Planning Department)**

4. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui as an additional [named] insured, insuring and defending the applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use; or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional [named] insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order. *(Recommended by the Planning Department)*
5. That the parking lot shall be developed in accordance with the standards of Chapter 19.36A, Offstreet Parking and Loading. *(Recommended by the Planning Department)*
6. That lighting for the parking lot shall be appropriately shielded to diminish glare and lighting impacts on the adjacent residential parcels. Further, the lighting standard shall be 12-14 feet as noted by the Applicant.

A copy of the Department's Report and Recommendation, adopted as the Findings of Fact, Conclusions of Law, and Decision and Order, is attached for your records.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Livit Callentine by email at livit.callentine@mauicounty.gov or by phone at 270-5537.

Sincerely,



CLAYTON I. YOSHIDA, AICP
Planning Program Administrator

Ms. Anne Takabuki
November 17, 2016
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Attachment

xc: Livit U. Callentine, AICP, Staff Planner (PDF)
Project File
General File
Tessa Munekiyo Ng, Munekiyo Hiraga

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