

# REQUEST FOR LEGAL SERVICES

**Date:** March 24, 2017  
**From:** Robert Carroll, Chair  
Land Use Committee



TRANSMITTAL

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: James Giroux, Esq.

**Subject:** COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING FOR LANAI AVENUE RESIDENTIAL HOMES PROJECT (LANAI) (LU-28)

**Background Data:** Review and approve revised proposed bills. Mark-up versions comparing the bills previously approved by your office against the revised bills are transmitted with this request. Your documents were coded: 2017-0095 LU-28 2017-02-02 Ordinance Change Zoning; and LU-28 2017-02-02 Ordinance Community Plan Amendment. Original hard copies are required.

**Work Requested:**  FOR APPROVAL AS TO FORM AND LEGALITY  
 OTHER:

Requestor's signature  Robert Carroll	Contact Person  Gary Saldana (Telephone Extension: 7137)
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ROUTINE (WITHIN 15 WORKING DAYS)       RUSH (WITHIN 5 WORKING DAYS)  
 PRIORITY (WITHIN 10 WORKING DAYS)       URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): Wednesday, March 29, 2017  
REASON: Posting for Council meeting scheduled for April 7, 2017.

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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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)

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2017)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM  
B-CT COUNTRY TOWN BUSINESS DISTRICT TO R-1 RESIDENTIAL DISTRICT  
(CONDITIONAL ZONING) FOR TAX MAP KEY (2) 4-9-006:050, SITUATED AT  
LANA'I CITY, LANA'I, HAWAII

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

SECTION 1. Pursuant to Chapters 19.08 and 19.510, Maui County Code, a change in zoning from B-CT Country Town Business District to R-1 Residential District (Conditional Zoning) is hereby granted for that certain parcel of land situated at Lana'i City, Lana'i, Hawaii, and identified for real property tax purposes as tax map key (2) 4-9-006:050, comprising approximately 0.51 acre, and more particularly described in Exhibit "A," attached hereto and made a part hereof, and in Land Zoning Map No. L-2621, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. Pursuant to Section 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the condition set forth in Exhibit "B," attached hereto and made a part hereof, and the Unilateral Agreement and Declaration for Conditional Zoning, attached hereto and made a part hereof as Exhibit "C."

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

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

lu:misc:028abill03:grs

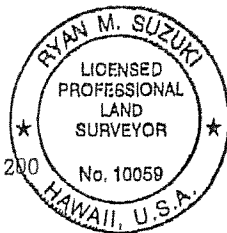
CHANGE IN ZONING  
LAND ZONING MAP NO. L-2621  
BUSINESS COUNTY TOWN TO R1 RESIDENTIAL  
LOT 363  
AS SHOWN ON MAP 28  
OF LAND COURT APPLICATION 862  
AT ISLAND OF LANAI, HAWAII

All of that certain parcel of land situate at Island of Lanai, State of Hawaii, described as follows:

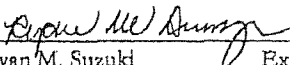
LOT 356, area 22,328 square feet, more or less, as shown on Map 24, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 862.

R. M. TOWILL CORPORATION

Description prepared by:



2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
May 16, 2016  
Tax Map Key: (2) 4-9-006: 050

  
Ryan M. Suzuki Exp: 4/30/18  
Licensed Professional Land Surveyor  
Certificate Number 10059

- 1 -

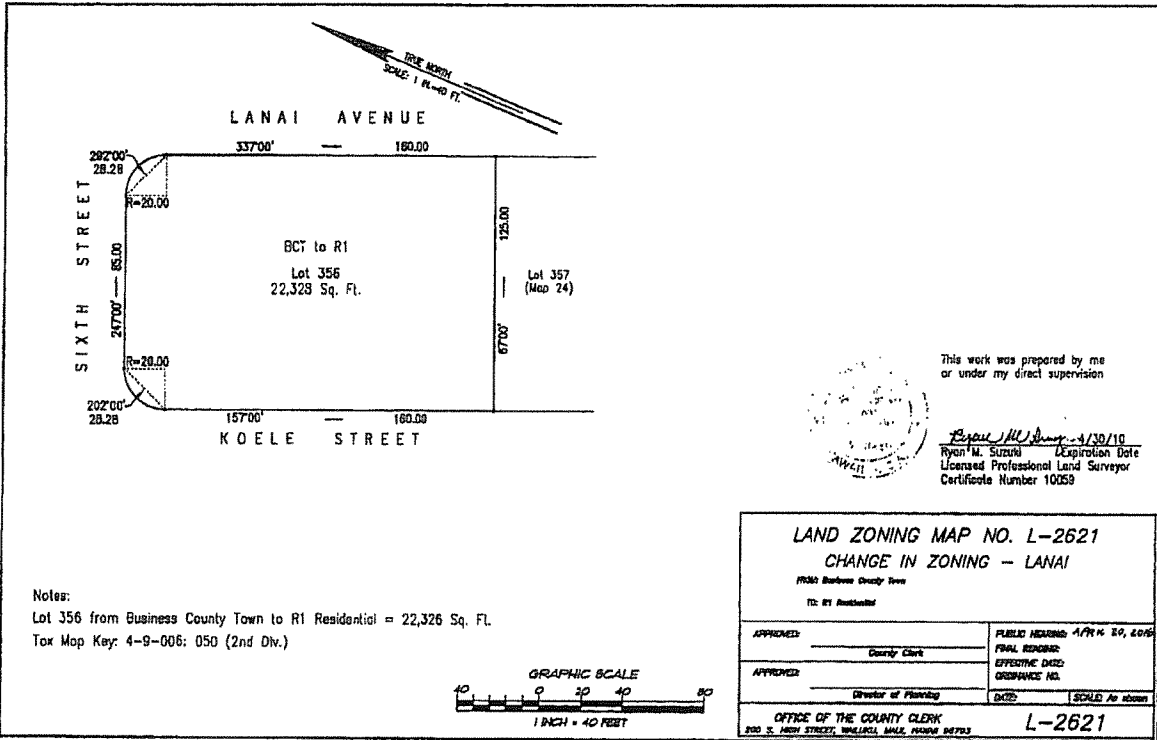
2024 North King Street  
Suite 200  
Honolulu HI 96819-3470  
Telephone 808 842 1133  
Fax 808 842 1837  
eMail rmtowill@hawaii.rr.com



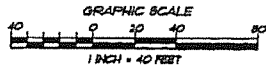
R. M. TOWILL CORPORATION  
SINCE 1930

Planning  
Engineering  
Environmental Services  
Photogrammetry  
Surveying  
Construction Management

EXHIBIT "A"



Notes:  
 Lot 356 from Business County Town to R1 Residential = 22,326 Sq. Ft.  
 Tax Map Key: 4-9-006; 050 (2nd Div.)



This work was prepared by me  
 or under my direct supervision

*Ryan M. Suzuki* 4/30/10  
 Ryan M. Suzuki Expiration Date  
 Licensed Professional Land Surveyor  
 Certificate Number 10059

**LAND ZONING MAP NO. L-2621**  
**CHANGE IN ZONING - LANAI**  
 FROM Business County Town  
 TO: R1 Residential

APPROVED: _____ County Clerk	FILED HEARING: APR 20, 2010
APPROVED: _____ Director of Planning	FINAL ORDER: EFFECTIVE DATE: ORDINANCE NO.
DATE: _____ SCALE: As shown	

OFFICE OF THE COUNTY CLERK  
 200 S. HIGH STREET, HONOLULU, HAWAII 96813

**L-2621**

10" x 15"

R. M. TOWILL CORPORATION

2024 North King Street, Suite 200  
 Honolulu, Hawaii 96818  
 May 3, 2010

**EXHIBIT "B"**

CONDITION OF ZONING

1. The three proposed dwellings on Tax Map Key (2) 4-9-006:050 will be rented to Lanai residents only.

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2017)

A BILL FOR AN ORDINANCE TO AMEND THE LANA`I COMMUNITY PLAN AND  
LAND USE MAP FROM BUSINESS/COMMERCIAL TO SINGLE-FAMILY  
FOR TAX MAP KEY (2) 4-9-006:050,  
SITUATED AT LANA`I CITY, LANA`I, HAWAII

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Lana`i Community Plan and Land Use Map is hereby amended from Business/Commercial to Single-Family for that certain parcel of land situated at Lana`i City, Lana`i, Hawaii, and identified for real property tax purposes as tax map key (2) 4-9-006:050, comprising approximately 0.51 acre, and more particularly described in Exhibit "A," attached hereto and made a part hereof, and in Community Plan Map No. CP-207, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

---

Department of the Corporation Counsel  
County of Maui

lu:misc:028abill04:grs

COMMUNITY PLAN AMENDMENT  
COMMUNITY PLAN MAP NO. CP-207  
COMMERCIAL TO SINGLE FAMILY  
LOT 363  
AS SHOWN ON MAP 28  
OF LAND COURT APPLICATION 862  
AT ISLAND OF LANAI, HAWAII

All of that certain parcel of land situate at Island of Lanai, State of Hawaii, described as follows:


LOT 356, area 22,328 square feet, more or less, as shown on Map 24, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 862.

R. M. TOWILL CORPORATION

Description prepared by:



2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
May 16, 2016  
Tax Map Key: (2) 4-9-006: 050

  
Ryan M. Suzuki Exp: 4/30/18  
Licensed Professional Land Surveyor  
Certificate Number 10059

- 1 -

2024 North King Street  
Suite 200  
Honolulu HI 96819-3470  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail rmtowill@hawaii.rc.com

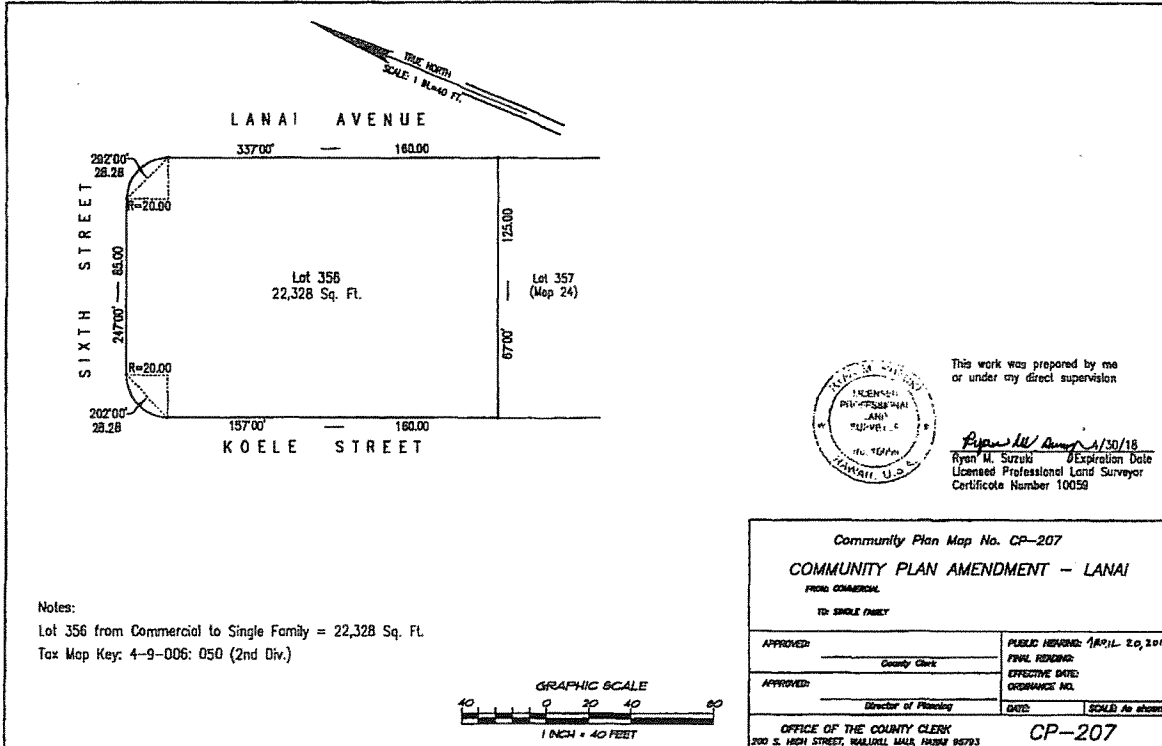


R. M. TOWILL CORPORATION  
SINCE 1930

Planning  
Engineering  
Environmental Services  
Photogrammetry  
Surveying  
Construction Management

**EXHIBIT** "A"





This work was prepared by me  
or under my direct supervision

*Ryan M. Suzuki* 4/30/18  
Ryan M. Suzuki Expiration Date  
Licensed Professional Land Surveyor  
Certificate Number 10059

Community Plan Map No. CP-207

**COMMUNITY PLAN AMENDMENT - LANAI**

FROM COMMERCIAL

TO SINGLE FAMILY

APPROVED: _____ County Clerk	PUBLIC HEARING: APRIL 20, 2018
APPROVED: _____ Director of Planning	FINAL READING: EFFECTIVE DATE: ORDINANCE NO.
OFFICE OF THE COUNTY CLERK 200 S. HIGH STREET, HALLIQUILL MALE, HAWAII 96793	DATE: _____ SCALE: As shown

**CP-207**

10" x 15"

R. M. TOWILL CORPORATION

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
May 3, 2018

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2017)

A BILL FOR AN ORDINANCE TO AMEND THE LANA`I COMMUNITY PLAN AND  
LAND USE MAP FROM BUSINESS/COMMERCIAL TO SINGLE-FAMILY  
FOR PROPERTY TAX MAP KEY (2) 4-9-006:050,  
SITUATED AT LANA`I CITY, LANA`I, HAWAII  
~~TAX MAP KEY (2) 4-9-006:050~~

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Lana`i Community Plan and Land Use Map is hereby amended from Business/Commercial to Single-Family for that certain parcel of land situated at Lana`i City, Lana`i, Hawaii, and identified for real property tax purposes as tax map key (2) 4-9-006:050, comprising approximately 0.51 acres, and more particularly described in Exhibit "A<sub>1</sub>"; attached hereto and made a part hereof, and in Community Plan Map No. CP-207, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

lu:misc:028abil01028abil04a:grs

COMMUNITY PLAN AMENDMENT  
COMMUNITY PLAN MAP NO. CP-207  
COMMERCIAL TO SINGLE FAMILY  
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AT ISLAND OF LANAI, HAWAII

All of that certain parcel of land situate at Island of Lanai, State of Hawaii, described as follows:


LOT 356, area 22,328 square feet, more or less, as shown on Map 24, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 862.

R. M. TOWILL CORPORATION

Description prepared by:



2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
May 16, 2016  
Tax Map Key: (2) 4-9-006: 050

  
Ryan M. Suzuki Exp: 4/30/18  
Licensed Professional Land Surveyor  
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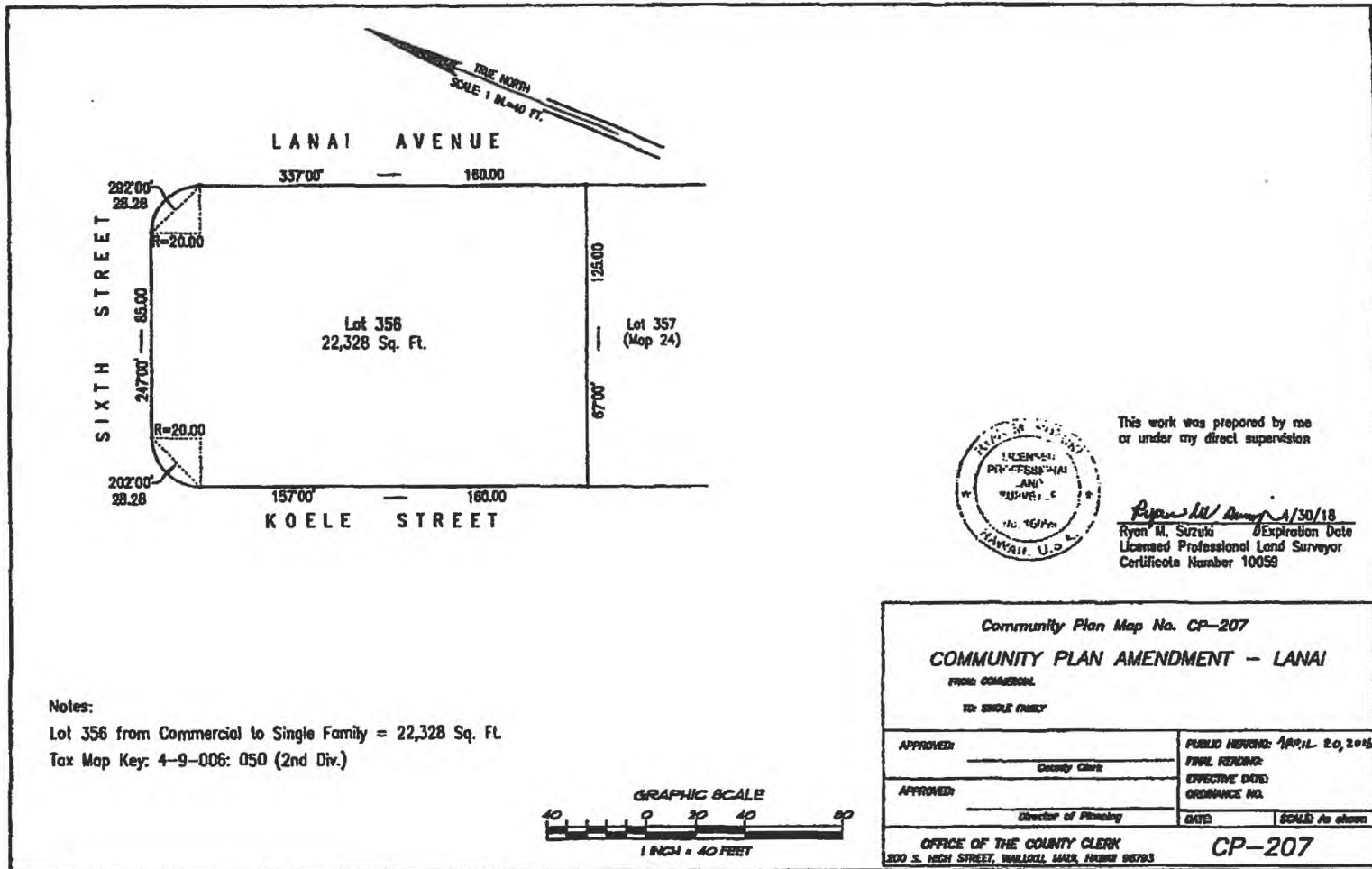
- 1 -

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Telephone 808 842 1133  
Fax 808 842 1937  
eMail [rmtowill@hawaii.rm.com](mailto:rmtowill@hawaii.rm.com)

  
R. M. TOWILL CORPORATION  
SINCE 1930

Planning  
Engineering  
Environmental Services  
Photogrammetry  
Surveying  
Construction Management

EXHIBIT "A"



Notes:  
 Lot 356 from Commercial to Single Family = 22,328 Sq. Ft.  
 Tax Map Key: 4-9-006: 050 (2nd Div.)



This work was prepared by me or under my direct supervision

*Ryan M. Suzuki* 1/30/18  
 Ryan M. Suzuki Expiration Date  
 Licensed Professional Land Surveyor  
 Certificate Number 10059

Community Plan Map No. CP-207

**COMMUNITY PLAN AMENDMENT - LANAI**

FROM COMMERCIAL

TO SINGLE FAMILY

APPROVED: _____ County Clerk	PUBLIC HEARING: APRIL 20, 2016 FINAL READING:
APPROVED: _____ Director of Planning	EFFECTIVE DATE: ORDINANCE NO.
OFFICE OF THE COUNTY CLERK 200 S. HIGH STREET, HONOLULU, HAWAII 96813	DATE: _____ SCALE: As shown

**CP-207**

10" x 15"

R. M. TDWILL CORPORATION

2024 North King Street, Suite 200  
 Honolulu, Hawaii 96819  
 May 3, 2016

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2017)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM  
B-CT COUNTRY TOWN BUSINESS DISTRICT TO R-1 RESIDENTIAL DISTRICT  
(CONDITIONAL ZONING) FOR TAX MAP KEY (2) 4-9-006:050, ~~PROPERTY~~  
SITUATED AT LANA'I CITY, LANA'I, HAWAII  
~~TAX MAP KEY (2) 4-9-006:050~~

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SECTION 1. Pursuant to Chapters 19.08 and 19.510, Maui County Code, a change in zoning from B-CT Country Town Business District to R-1 Residential District (Conditional Zoning) is hereby granted for that certain parcel of land situated at Lana'i City, Lana'i, Hawaii, and identified for real property tax purposes as tax map key (2) 4-9-006:050, comprising approximately 0.51 acres, and more particularly described in Exhibit "A," attached hereto and made a part hereof, and in Land Zoning Map No. L-2621, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

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County of Maui

lu:misc:028abill03a:grs

CHANGE IN ZONING  
LAND ZONING MAP NO. L-2621  
BUSINESS COUNTY TOWN TO R1 RESIDENTIAL  
LOT 363  
AS SHOWN ON MAP 28  
OF LAND COURT APPLICATION 862  
AT ISLAND OF LANAI, HAWAII

All of that certain parcel of land situate at Island of Lanai, State of Hawaii, described as follows:

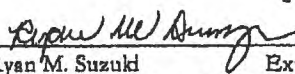
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R. M. TOWILL CORPORATION

Description prepared by:



2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
May 16, 2016  
Tax Map Key: (2) 4-9-006: 050

  
Ryan M. Suzuki Exp: 4/30/18  
Licensed Professional Land Surveyor  
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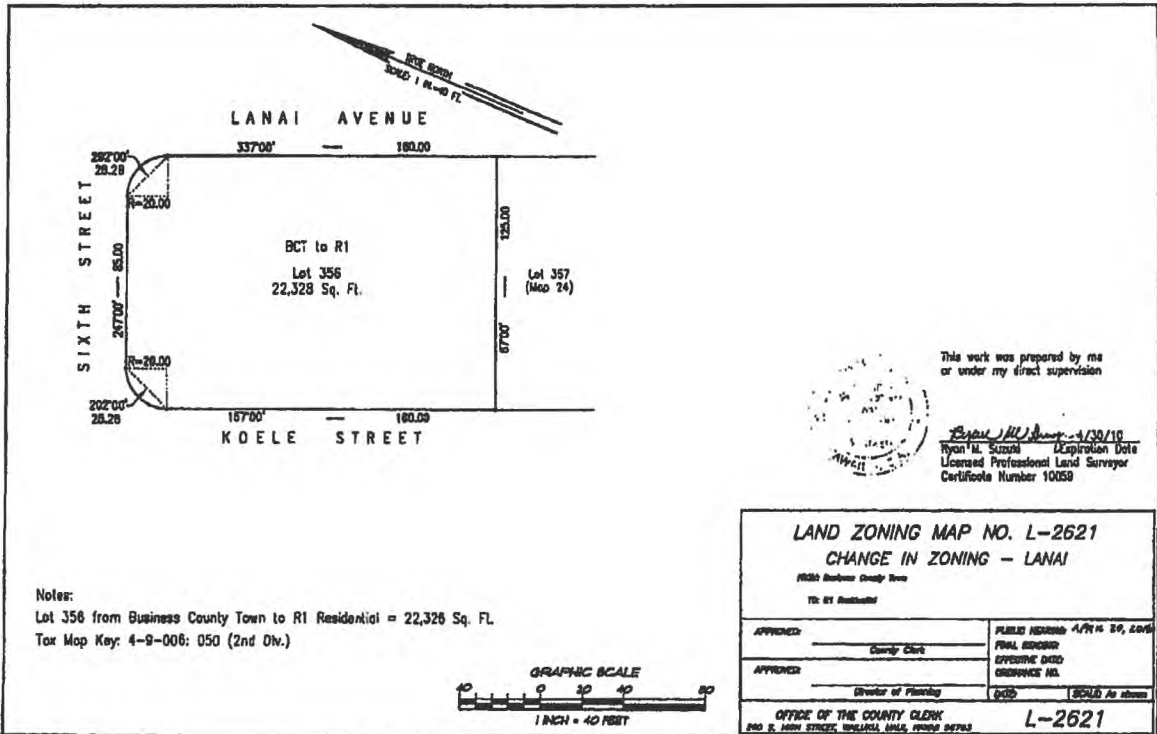
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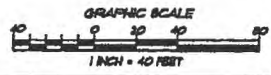
R. M. TOWILL CORPORATION  
SINCE 1988

Planning  
Engineering  
Environmental Services  
Photogrammetry  
Surveying  
Construction Management

EXHIBIT "A"



Notes:  
 Lot 356 from Business County Town to R1 Residential = 22,328 Sq. Ft.  
 Tax Map Key: 4-9-006: 050 (2nd Div.)



This work was prepared by me  
 or under my direct supervision



*Ryan M. Sizemore* 4/30/10  
 Ryan M. Sizemore Expiration Date  
 Licensed Professional Land Surveyor  
 Certificate Number 10059

**LAND ZONING MAP NO. L-2621**  
**CHANGE IN ZONING - LANAI**  
 HAWAII BUSINESS COUNTY TOWN  
 TO: BY: *R. M. Sizemore*

APPROVED: _____ County Clerk	FILED NUMBER: 4/14/10, 2010 FILED NUMBER: EXPIRES DATE: REFERENCE NO.:
APPROVED: _____ Director of Planning	DATE: _____ SCALE: As shown

OFFICE OF THE COUNTY CLERK  
 200 N. HIGH STREET, HONOLULU, HAWAII 96810  
**L-2621**

10" x 15"

R. M. TOWILL CORPORATION  
 1977

200 North King Street, Suite 200  
 Honolulu, Hawaii 96810  
 May 3, 2010



**EXHIBIT "B"**

CONDITION OF ZONING

1. The three proposed dwellings on Tax Map Key (2) 4-9-006:050 will be rented to Lanai residents only.