

REQUEST FOR LEGAL SERVICES

RUSH

RECEIVED
CORPORATION COUNSEL

Date: August 27, 2018
From: Robert Carroll, chair
Land Use Committee

2018 AUG 29 AM 3:12

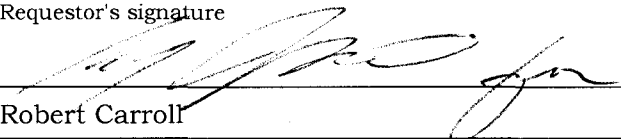
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: David Galazin, Esq.

Subject: COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING FOR THE KAHANA SUNSET CONDOMINIUM AT 4909 LOWER HONOAPIILANI ROAD (LAHAINA) (LU-19)

Background Data: Please revise the proposed Community Plan Amendment bill and Change in Zoning bill to update the year of the bills and refer to the maps as exhibits, as reflected on the attached marked-up copies.

Work Requested: ☒ [X] FOR APPROVAL AS TO FORM AND LEGALITY
☐ [] OTHER:

Requestor's signature  Robert Carroll	Contact Person <u>Carla Nakata or James Krueger</u> (Telephone Extension: 7659 or 7761, respectively)
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☐ [] 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): August 29, 2018

REASON: For possible posting on August 30, 2018, for the September 5, 2018 meeting.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>DAE</u>	ASSIGNMENT NO. <u>2017-0095</u>	BY: <u>ma</u>
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TO REQUESTOR: ☒ [X] 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 8-29-18

By  (Rev. 7/03)

lu:ltr:019acc01:cmn

Attachments

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
R-3 RESIDENTIAL DISTRICT TO H-M HOTEL DISTRICT
(CONDITIONAL ZONING) FOR PROPERTY SITUATED AT LAHAINA, MAUI,
HAWAII, AND IDENTIFIED AS TAX MAP KEY (2) 4-3-003:015,
FOR THE KAHANA SUNSET AOA

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

SECTION 1. Pursuant to Chapters 19.14 and 19.510, Maui County Code, a change in zoning from R-3 Residential District to H-M Hotel District (Conditional Zoning) is hereby granted for that certain parcel of land situated at Lahaina, Maui, Hawaii, and identified for real property tax purposes by tax map key (2) 4-3-003:015, comprising approximately 4.467 acres, and more particularly described in Exhibit "A" attached hereto and made a part hereof, and in Land Zoning Map No. L-871, which is attached hereto as Exhibit "B", 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 conditions set forth in Exhibit "C", 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 "D".

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

APPROVED AS TO FORM
AND LEGALITY:



DAVID A. GALAZIN
Deputy Corporation Counsel
County of Maui

2015-5327/2017-0095

LU-19 2018-08-27 Ordinance CIZ Kahana Sunset Condo

TAX MAP KEY: (2) 4-3-003:015

ALL of that certain parcel of land, being all of R. P. 4697, L. C. Aw. 4807:3 to Nika 2, all of R. P. 4697 L. C. Aw. 4807:4 to Nika 2, and a portion of R. P. 1663 L. C. Aw. 5524 to L. Konia, situated at Alaeos, Lahaina, Island and County of Maui, State of Hawaii, and more particularly described as follows:

Beginning at a one inch pipe on the Southerly corner of this parcel of land, on the Westerly side of Honoapiilani Highway, being also the Southerly corner of Allotment 16 of the Mailapai Hui Partition, the coordinate of the point of beginning referred to the Government Survey Triangulation Station "Malo" being:

13,873.95 feet South

11,352.02 feet West

and running by azimuths measured clockwise from true South:

1. 119° 51' 00" 268.00 feet along Allotment 44-B of the Mailapai Hui Partition to seashore and a 1/2 inch pipe;

Thence along high water mark of seashore the direct azimuth and distance being:

2. 191° 15' 10" 464.83 feet to a 1/2 inch pipe;
3. 314° 21' 30" 73.69 feet along Exception 19 of the Mailapai Hui Partition owned by Ralph Coatsworth and wife Hilda K. to a 1 inch pipe in concrete;
4. 274° 07' 00" 199.13 feet along Allotment 19-B of the Mailapai Hui Partition owned by the Door of Faith Church to a pipe;

Thence along the Westerly side of Honoapiilani Highway and along an arc of a curve to the left with a radius of 177.80 feet, the direct chord distance and azimuth being:

5. 331° 07' 30" 124.78 feet to a pipe;
6. 310° 35' 00" 154.84 feet along the westerly side of Honoapiilani Highway to a pipe;

EXHIBIT "A"

Thence along the Westerly side of Honospilani Highway and along an arc of a curve to the right with a radius of 71.10 feet, the direct chord azimuth and distance being:

7. 349° 27' 30" 89.25 feet to a pipe;

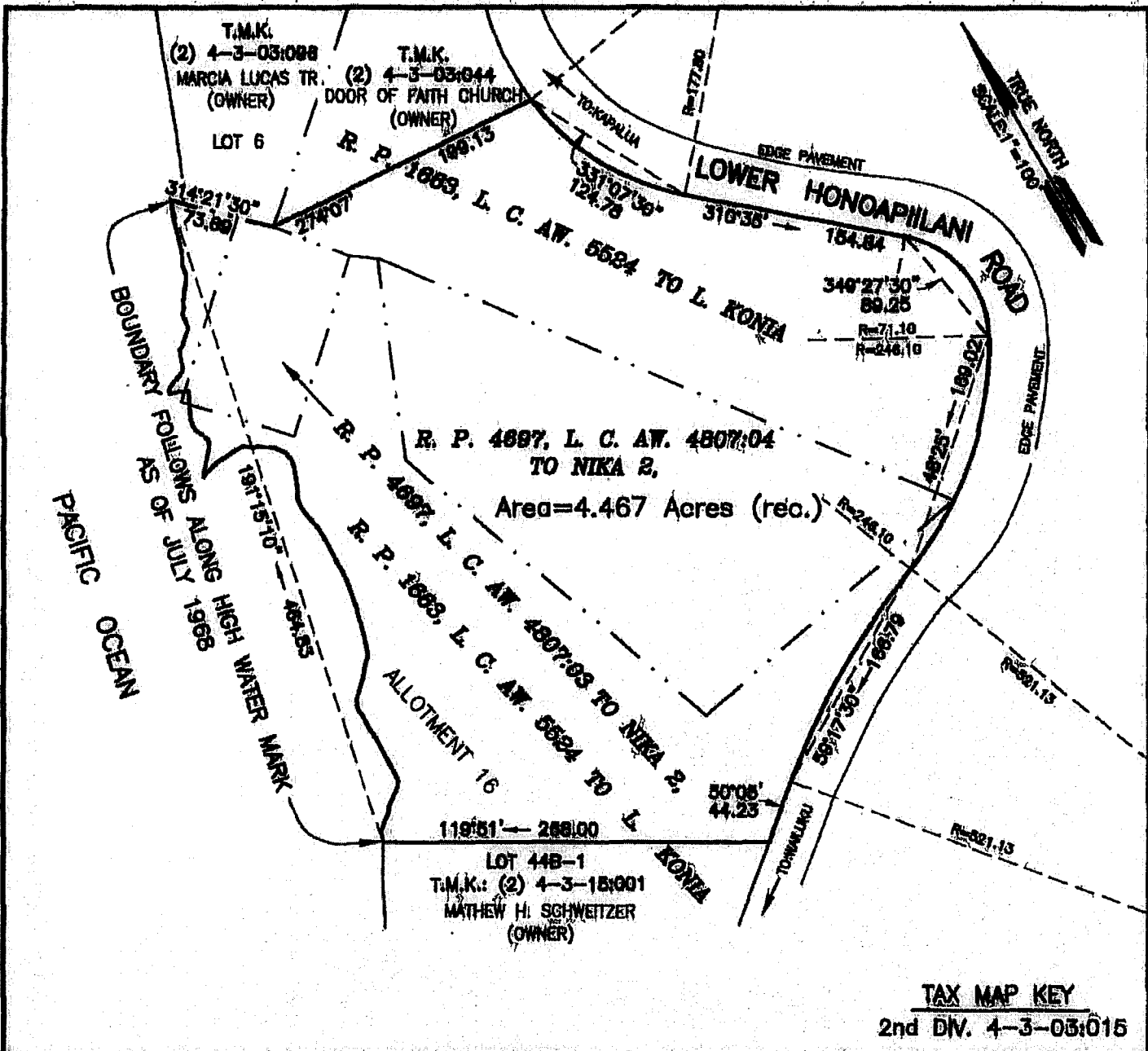
Thence along the Westerly side of Honospilani Highway and along an arc of a curve to the right with a radius of 246.10 feet, the direct chord azimuth and distance being:

8. 48° 25' 00" 169.02 feet to a pipe;

Thence along the Westerly side of Honospilani Highway and along an arc of a curve to the left with a radius of 321.13 feet, the chord azimuth and distance being:

9. 59° 17' 30" 166.79 feet to a pipe;

10. 50° 05' 00" 44.23 feet along the Westerly side of Honospilani Highway to the point of beginning and containing an area of 4.467 acres.



LAND ZONING MAP NO. L-871

CHANGE IN ZONING-LAHAINA, MAUI, HAWAII
FROM R-3 RESIDENTIAL TO H-M HOTEL

APPROVED: _____		PUBLIC HEARING: 7-22-74	
COUNTY CLERK	DATE	ADOPTED-COUNCIL:	
APPROVED: _____		ADOPTED-MAYOR:	
PLANNING DIRECTOR	DATE	ORDINANCE:	
			SCALE: 1"=100'
OFFICE OF THE COUNTY CLERK 200 High Street, Wailuku, Maui, Hawaii, 96793			
L-871			

EXHIBIT "B"

EXHIBIT "C"

CONDITIONS OF ZONING

1. No building shall exceed 45 feet in height, except that vent pipes, fans, elevator and stairway shafts, chimneys, cell or antennae, and equipment used for small scale energy systems on roofs may extend an additional 10 feet above the building roof.
2. The public shoreline access shall be available at a minimum between 7:30 a.m. and 7:30 p.m., seven days a week.

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE TO AMEND THE WEST MAUI
COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY
TO HOTEL FOR PROPERTY SITUATED AT LAHAINA, MAUI,
HAWAII, AND IDENTIFIED AS TAX MAP KEY (2) 4-3-003:015,
FOR THE KAHANA SUNSET AOA

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the West Maui Community Plan and Land Use Map is hereby amended from Single-Family to Hotel for property situated at Lahaina, Maui, Hawaii, and identified for real property tax purposes by tax map key (2) 4-3-003:015, comprising approximately 4.467 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Community Plan Map No. CP-822, which is attached hereto as Exhibit "B", and by reference made a part hereof.

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

APPROVED AS TO FORM
AND LEGALITY:



DAVID A. GALAZIN
Deputy Corporation Counsel
County of Maui

2015-5327/2017-0095
LU-19 2018-08-27 Ordinance CPA Kahana Sunset Condo

TAX MAP KEY: (2) 4-3-003:015

ALL of that certain parcel of land, being all of R. P. 4697, L. C. Aw. 4807:3 to Nika 2, all of R. P. 4697 L. C. Aw. 4807:4 to Nika 2, and a portion of R. P. 1663 L. C. Aw. 5524 to L. Konia, situate at Alaeloa, Lahaina, Island and County of Maui, State of Hawaii, and more particularly described as follows:

Beginning at a one inch pipe on the Southerly corner of this parcel of land, on the Westerly side of Honoapiilani Highway, being also the Southerly corner of Allotment 16 of the Mailepai Hui Partition, the coordinate of the point of beginning referred to the Government Survey Triangulation Station "Malo" being:

13,873.95 feet South

11,352.02 feet West

and running by azimuths measured clockwise from true South:

1. 119° 51' 00" 268.00 feet along Allotment 44-B of the Mailepai Hui Partition to seashore and a 1/2 inch pipe;

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6. 310° 35' 00" 154.84 feet along the westerly side of Honoapiilani Highway to a pipe;

EXHIBIT "  "

Thence along the Westerly side of Honoapiilani Highway and along an arc of a curve to the right with a radius of 71.10 feet, the direct chord azimuth and distance being:

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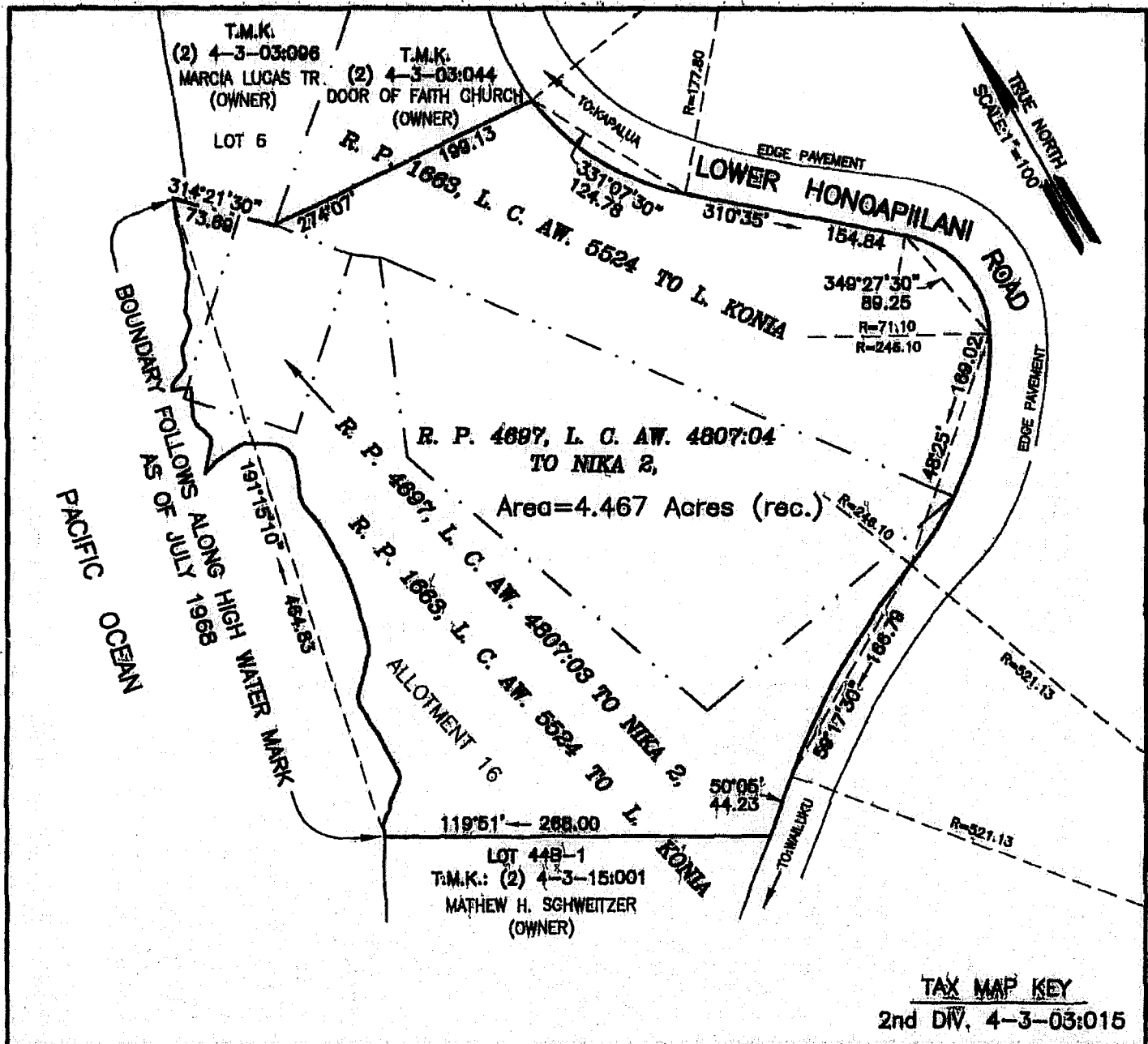
Thence along the Westerly side of Honoapiilani Highway and along an arc of a curve to the right with a radius of 246.10 feet, the direct chord azimuth and distance being:

8. 48° 25' 00" 169.02 feet to a pipe;

Thence along the Westerly side of Honoapiilani Highway and along an arc of a curve to the left with a radius of 521.13 feet, the chord azimuth and distance being:

9. 59° 17' 30" 166.79 feet to a pipe;

10. 50° 05' 00" 44.23 feet along the Westerly side of Honoapiilani Highway to the point of beginning and containing an area of 4.467 acres.



COMMUNITY PLAN MAP NO. CP-822 COMMUNITY PLAN AMENDMENT-LAHAINA, MAUI, HAWAII FROM SINGLE-FAMILY DISTRICT TO HOTEL DISTRICT

APPROVED: _____		PUBLIC HEARING: 7-22-14	
COUNTY CLERK	DATE	ADOPTED-COUNCIL:	
APPROVED: _____		ADOPTED-MAYOR:	
PLANNING DIRECTOR	DATE	ORDINANCE:	
		DATE:	SCALE: 1"=100'

OFFICE OF THE COUNTY CLERK
200 High Street, Wailuku, Maui, Hawaii, 96793

CP-822

EXHIBIT 18