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**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

January 22, 2019

RECEIVED  
2019 JAN 23 PM 2:52  
OFFICE OF THE  
COUNTY CLERK

Mr. Josiah K. Nishita, County Clerk  
Office of the County Clerk  
County of Maui  
Wailuku, Hawaii 96793

Dear Mr. Nishita:

SUBJECT: **COMMUNITY PLAN AMENDMENT FOR  
APPROXIMATELY 43,390 SQUARE FEET AT  
1488 SOUTH KIHEI ROAD, KIHEI, MAUI,  
HAWAII**

May I request the attached proposed resolution, entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM BUSINESS/COMMERCIAL TO SINGLE-FAMILY FOR APPROXIMATELY 43,390 SQUARE FEET OF PROPERTY AT 1488 SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in cursive script that reads "Kelly T. King".

KELLY T. KING  
Council Chair

paf:cmn:19-015c

Attachment

cc: Shantivan LLC

COUNTY COMMUNICATION NO. 19-68

# Resolution

No. \_\_\_\_\_

REFERRING TO THE MAUI PLANNING COMMISSION A  
PROPOSED BILL TO AMEND THE KIHEI-MAKENA  
COMMUNITY PLAN AND LAND USE MAP FROM  
BUSINESS/COMMERCIAL TO SINGLE-FAMILY FOR  
APPROXIMATELY 43,390 SQUARE FEET OF PROPERTY AT  
1488 SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII

WHEREAS, the Council is considering a proposed bill to amend the Kihei-Makena Community Plan and Land Use Map from Business/Commercial to Single-Family for approximately 43,390 square feet of property at 1488 South Kihei Road, Kihei, Maui, Hawaii; and

WHEREAS, the property is owned by Shantivan LLC, and was the subject of a prior application for a Change in Zoning from R-3 Residential District to B-2 Community Business District, which application was denied by the Council at its meeting of January 5, 2018, leaving the land use designations inconsistent; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning commission review proposed land use ordinances and amendments thereto, and provide findings and recommendations to the Council; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby refers the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM BUSINESS/COMMERCIAL TO SINGLE-FAMILY FOR APPROXIMATELY 43,390 SQUARE FEET AT 1488 SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII," a copy of which is attached hereto as Exhibit "1" and made a part hereof, to the Maui Planning Commission for appropriate action, pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and

**Resolution No. \_\_\_\_\_**

2. That it respectfully requests the Maui Planning Commission transmit its findings and recommendations to the Council as expeditiously as possible; and
3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, the Maui Planning Commission, Shantivan LLC, and the Kihei Community Association.

APPROVED AS TO FORM AND LEGALITY

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Deputy Corporation Counsel  
County of Maui

paf:cmn:19-015b

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

BILL NO. \_\_\_\_\_ (2019)

A BILL FOR AN ORDINANCE AMENDING THE KIHAI-MAKENA COMMUNITY  
PLAN AND LAND USE MAP FROM BUSINESS/COMMERCIAL TO SINGLE-  
FAMILY FOR APPROXIMATELY 43,390 SQUARE FEET AT 1488 SOUTH KIHAI  
ROAD, KIHAI, MAUI, HAWAII

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 Business/Commercial to Single-Family for that certain real property situated at 1488 South Kihei Road, Kihei, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 3-9-010:077, comprised of approximately 43,390 square feet, and more particularly described in Exhibit "A," attached hereto and made a part hereof, and in Community Plan Map No. CP-\_\_\_\_, attached hereto as Exhibit "B" and 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

paf:cmn:19-015a

EXHIBIT "1"

### **Exhibit "A"**

All that certain parcel of land (being portion(s) of the land(s) described in and covered by Land Patent Grant Number 10,933 to the heirs of Esther K. Crowell), situate, lying and being approximately 5 feet Easterly from South Kihei Road and approximately 154 feet Southerly from the intersection of Waiohuli Street and South Kihei Road at Waiohuli-Keokea, Makawao, Island and County of Maui, State of Hawaii, being Partition Lot 4, being also a portion of Lot 16-A of Waiohuli-Keokea Beach Lots, and thus bounded and described:

Beginning at the northeast corner of this piece of land, being also the southeasterly corner of Partition Lot 3 on the westerly side of Road Widening Partition Lot 8, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being 4,600.24 feet north and 23,266.45 feet west and running by true azimuths measured clockwise from true south:

- |    |              |   |
|----|--------------|---|
| 1. | 355° 04'     | 152.43 feet along said Partition Lot 8;   |
| 2. | 82° 47' 40"  | 283.56 feet along Partition Lot 1;  |
| 3. | 174° 04' 30" | 152.35 feet along Partition Lot 5;  |
| 4. | 262° 47' 40" | 286.20 feet along Partition Lot 3 to the point of beginning<br>and containing an area of 43,390 square feet, more<br>or less. |

Being all of the property conveyed by Quitclaim Deed to Kihei Wellness Hui, LLC, a Hawaii limited liability company, dated October 29, 2010, recorded January 24, 2011 in the Bureau of Conveyances of the State of Hawaii, as Document No. 2011-013789.

Subject to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. Deferred Improvement Agreement dated August 5, 1987, recorded in Book 21911 at Page 312, made by and between Miriam O. Fendler ("Owner") and County of Maui ("County").

**End of Exhibit "A"**

TRUE NORTH SCALE: 1" = 50'

Mention of 'PULU O KALI'

TO WAILUKU

**SOUTH KIHEI ROAD**

TO WAILUA

355'04" — 152.43

P.O.B.  
4,600.24 N  
23,266.45 W  
"PULU O KALI"

252'47"40"

288.20

LOT 5  
TMK: (2) 3-9-010: 076

**LOT 4**

82'47"40"

203.15

LOT 1  
TMK: (2) 3-9-010: 019

W a l o h u l l — K e o k e d B e d c h L o t s

174'04"30" — 152.35

TMK: (2) 3-9-010: 078

TMK: (2) 3-9-010: 075

T.M.K. (2) 3-9-010: 077

Area = 43,390 SQ. FT.

**COMMUNITY PLAN MAP NO. CP-\_\_\_\_\_**

**COMMUNITY PLAN AMENDMENT – KIHEI, MAUI, HAWAII**  
**FROM COMMUNITY/BUSINESS TO SINGLE-FAMILY**

APPROVED: COUNTY CLERK      DATE	PUBLIC HEARING: ADOPTED – COUNCIL: ADOPTED – MAYOR: ORDINANCE:
APPROVED: PLANNING DIRECTOR      DATE	DATE:      SCALE: 1" = 50'

**OFFICE OF THE COUNTY CLERK**  
200 HIGH STREET, WAILUKU, MAUI, HAWAII 96793

EXHIBIT " B "