

MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

May 28, 2020

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawai'i 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 5-29-20
Mayor Date

For Transmittal to:

Honorable Tamara Paltin, Chair
and Members of the Planning and Sustainable Land Use Committee
200 South High Street
Wailuku, Hawai'i 96793

Dear Chair Paltin and Members:

**SUBJECT: COUNTRY TOWN BUSINESS DISTRICT IN LANAI CITY
(PSLU-52)**

Thank you for your letter dated May 8, 2020, about the proposed revised Country Town Business Design Guidelines and Standards for Lanai City. The Department of Planning offers the following responses to your questions.

1. There are 29 lots, or portions of lots, in Lanai City with Country Town Business District (B-CT) zoning.
2. Of these 29 lots, or portions of lots, with B-CT zoning, 19 are owned by Lanai Resorts LLC (Pulama Lanai).
3. Four of these lots, or portions of lots, have a total of five variances.

TMK (2) 4-9-006: 015 has two approved variances. The Board of Variances and Appeals (BVA) granted a variance on January 26, 2006 from the requirement to provide six parking spaces when an existing retail/office building was converted to Pele's Other Garden restaurant (BVA 2005/0023). On October 14, 2010, the BVA granted a variance from the requirement to provide seven parking spaces for the No Ka Oi Grindz restaurant (BVAV 2010/0016).

TMK (2) 4-9-006:041 has an approved variance (BVA 93/0037), granted by the BVA on September 27, 1993, which allowed the existing "Blue Ginger" restaurant to operate. This variance was granted back when the lot had interim zoning, which does not allow for restaurant use.

RECEIVED
2020 JUN -1 PM 3:09
OFFICE OF THE
COUNTY COUNCIL

For transmittal to:
Honorable Tamara Paltin, Chair
and Members of the Planning and Sustainable Land Use Committee
May 28, 2020
Page 2

TMK (2) 4-9-006: 034 has an approved variance (BVAV 2013/0017), granted by the BVA on June 12, 2014, from subdivision requirements for the construction of roadway improvements and the widening of existing rights-of-way for the Lanai ILWU subdivision.

TMK (2) 4-9-012: 001 has an approved variance (BVA 93/0022), granted by the BVA on May 20, 1993, which allowed the continued use of a service station and car rental business on the property. This variance was granted back when the lot had interim zoning, which does not allow for service station or car rental business use.

4. In our research, we did not find any known or documented existing nonconforming uses or structures. However, it should be noted that most of these lots have structures that were built before the comprehensive zoning code ordinance was adopted in 1960, so it is likely that lawful nonconforming uses and structures exist.
5. The owners of the 29 affected lots will not be individually notified of the proposed new Guidelines and Standards if they are adopted by the Council.

Subsection 19.510.110.B, Maui County Code, outlines the public review requirements for adopting new B-CT design guidelines. Throughout the review process prescribed under this subsection, there have been publicly noticed opportunities for affected property owners, as well as the public, to learn about the new design guidelines and provide feedback. These opportunities included reviews by the Urban Design Review Board, Cultural Resources Commission, and the Lanai Planning Commission, which met on this matter four times. These reviews were publicly noticed as required by the Sunshine Law (Chapter 92, Hawai'i Revised Statutes). Additionally, the Department hosted a community meeting, which was noticed in the Maui News, and the Lanai Planning Commission held a public hearing, which was noticed in the Maui News and Lanai Today.

Subsection 19.510.110.B does not require affected owners to be directly notified.

We hope this letter sufficiently answers your questions. If you have any further questions or require additional information, please do not hesitate to contact me.

Sincerely,



MICHELE CHOUTEAU MCLEAN, AICP
Planning Director

xc: LRD Correspondence File

MCM:AAK:rh1