

COUNCIL OF THE COUNTY OF MAUI
PLANNING AND SUSTAINABLE LAND
USE COMMITTEE

March 22, 2019

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Planning and Sustainable Land Use Committee, having met on January 30, 2019, makes reference to County Communication 18-447, from Councilmember Stacy Crivello, transmitting a proposed resolution entitled "REFERRING TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL TO CHANGE THE ZONING FOR APPROXIMATELY 32,068 SQUARE FEET KAUNAKAKAI, MOLOKAI, HAWAII, TAX MAP KEY (2) 5-3-002:049."

The purpose of the proposed resolution is to transmit to the Molokai Planning Commission a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE THE ZONING FROM INTERIM ZONE TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR APPROXIMATELY 32,068 SQUARE FEET IN KAUNAKAKAI, MOLOKAI, HAWAII, IDENTIFIED AS TAX MAP KEY (2) 5-3-002:049."

The purpose of the proposed bill is to grant a Change in Zoning for approximately 32,068 square feet in Kaunakakai, Molokai, Hawaii, identified for real property tax purposes as tax map key (2) 5-3-002:049 ("property"), to make the zoning consistent with the Molokai Island Community Plan designation.

Your Committee notes the current Molokai Island Community Plan was established by Ordinance 4920 (2018). The Land Use Designation assigned to the property by the Community Plan is Business Commercial. The zoning of the property remained Interim Zone.

Your Committee further notes Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require the

COUNCIL OF THE COUNTY OF MAUI
PLANNING AND SUSTAINABLE LAND
USE COMMITTEE

Page 2

Committee
Report No. _____

appropriate planning commission to review proposed land use ordinances and amendments thereto, and provide findings and recommendations to the Council. Because the subject property is located on Molokai, the appropriate planning commission in this case is the Molokai Planning Commission.

Your Committee considered a revised proposed resolution entitled "REFERRING TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL TO CHANGE THE ZONING FROM INTERIM ZONE TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR APPROXIMATELY 32,068 SQUARE FEET OF PROPERTY IN KAUNAKAKAI, MOLOKAI, HAWAII, TAX MAP KEY (2) 5-3-002:049." The revised proposed resolution incorporates nonsubstantive revisions to the resolution and revises the attached proposed bill by replacing Exhibit "A," which is an overhead picture of the property, with a larger picture.

An owner of the property testified in support of the resolution. She said a laundromat and a retail store are located on the property. These uses are generally prohibited in the Interim Zone, but the owners are allowed to operate these uses because they existed on the property prior to the uses' prohibition. However, the prohibition still restricts the owners from improving the property. The Change in Zoning would allow the owners to improve the property.

Your Committee voted 6-0 to recommend adoption of the revised proposed resolution. Committee Chair Paltin, Vice-Chair Sinenci, and members King, Molina, Rawlins-Fernandez, and Sugimura voted "aye." Committee member Lee was excused.

Your Committee is in receipt of a revised proposed resolution, entitled "REFERRING TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL TO CHANGE THE ZONING FROM INTERIM ZONE TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR APPROXIMATELY 32,068 SQUARE FEET OF PROPERTY IN KAUNAKAKAI, MOLOKAI, HAWAII, IDENTIFIED AS TAX MAP KEY (2) 5-3-002:049," approved as to

COUNCIL OF THE COUNTY OF MAUI
**PLANNING AND SUSTAINABLE LAND
USE COMMITTEE**

Page 3

**Committee
Report No. _____**

form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Planning and Sustainable Land Use Committee RECOMMENDS that Resolution _____, as revised herein and attached hereto, entitled "REFERRING TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL TO CHANGE THE ZONING FROM INTERIM ZONE TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR APPROXIMATELY 32,068 SQUARE FEET OF PROPERTY IN KAUNAKAKAI, MOLOKAI, HAWAII, IDENTIFIED AS TAX MAP KEY (2) 5-3-002:049," be ADOPTED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



TAMARA PALTIN, Chair

Resolution

No. _____

REFERRING TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL TO CHANGE THE ZONING FROM INTERIM ZONE TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR APPROXIMATELY 32,068 SQUARE FEET OF PROPERTY IN KAUNAKAKAI, MOLOKAI, HAWAII, IDENTIFIED AS TAX MAP KEY (2) 5-3-002:049

WHEREAS, the Council is considering a proposed bill to change the zoning from Interim Zone to B-CT Country Town Business District for that certain real property situated in Kaunakakai, Molokai, Hawaii, identified for real property tax purposes as tax map key (2) 5-3-002:049, comprised of approximately 32,068 square feet; and

WHEREAS, the Change in Zoning would make the zoning consistent with the subject property's land use designation in the Molokai Island Community Plan, established by Ordinance 4920 (2018); 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 TO CHANGE THE ZONING FROM INTERIM ZONE TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR APPROXIMATELY 32,068 SQUARE FEET OF PROPERTY IN KAUNAKAKAI, MOLOKAI, HAWAII, IDENTIFIED AS TAX MAP KEY (2) 5-3-002:049," a copy of which is attached hereto as Exhibit "1" and made a part hereof, to the Molokai 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 that the Molokai 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, and the Molokai Planning Commission.

APPROVED AS TO FORM AND
LEGALITY



DAVID A. GALAZIN

Deputy Corporation Counsel
County of Maui

2019-0101

PSLU-23 2019-02-05 Reso CIZ Kaunakakai

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE TO CHANGE THE ZONING FROM INTERIM ZONE TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR APPROXIMATELY 32,068 SQUARE FEET IN KAUNAKAKAI, MOLOKAI, HAWAII, IDENTIFIED AS TAX MAP KEY (2) 5-3-002:049

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

SECTION 1. Pursuant to Chapters 19.15 and 19.510, Maui County Code, a change in zoning from Interim to B-CT Country Town Business District is hereby granted for that certain real property situated in Kaunakakai, Molokai, Hawaii, identified for real property tax purposes as tax map key (2) 5-3-002:049, identified in Exhibit "A," attached hereto and made a part hereof, and in Land Zoning Map No. L-_____, 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:

Department of the Corporation Counsel
County of Maui

paf:ldm:18-294c

EXHIBIT 1

Controls

- Available Layers
 - Parcels
 - Sales
 - Parcel Numbers
 - Pending Parcel Changes
 - Roads
 - Tsunami Evacuation Zones
 - Flood Hazard Areas
 - Neighborhood Code
 - State Land Use Districts
 - Special Management Area
 - Pictometry (2014)
 - Aerials (Esri)
 - Street Map



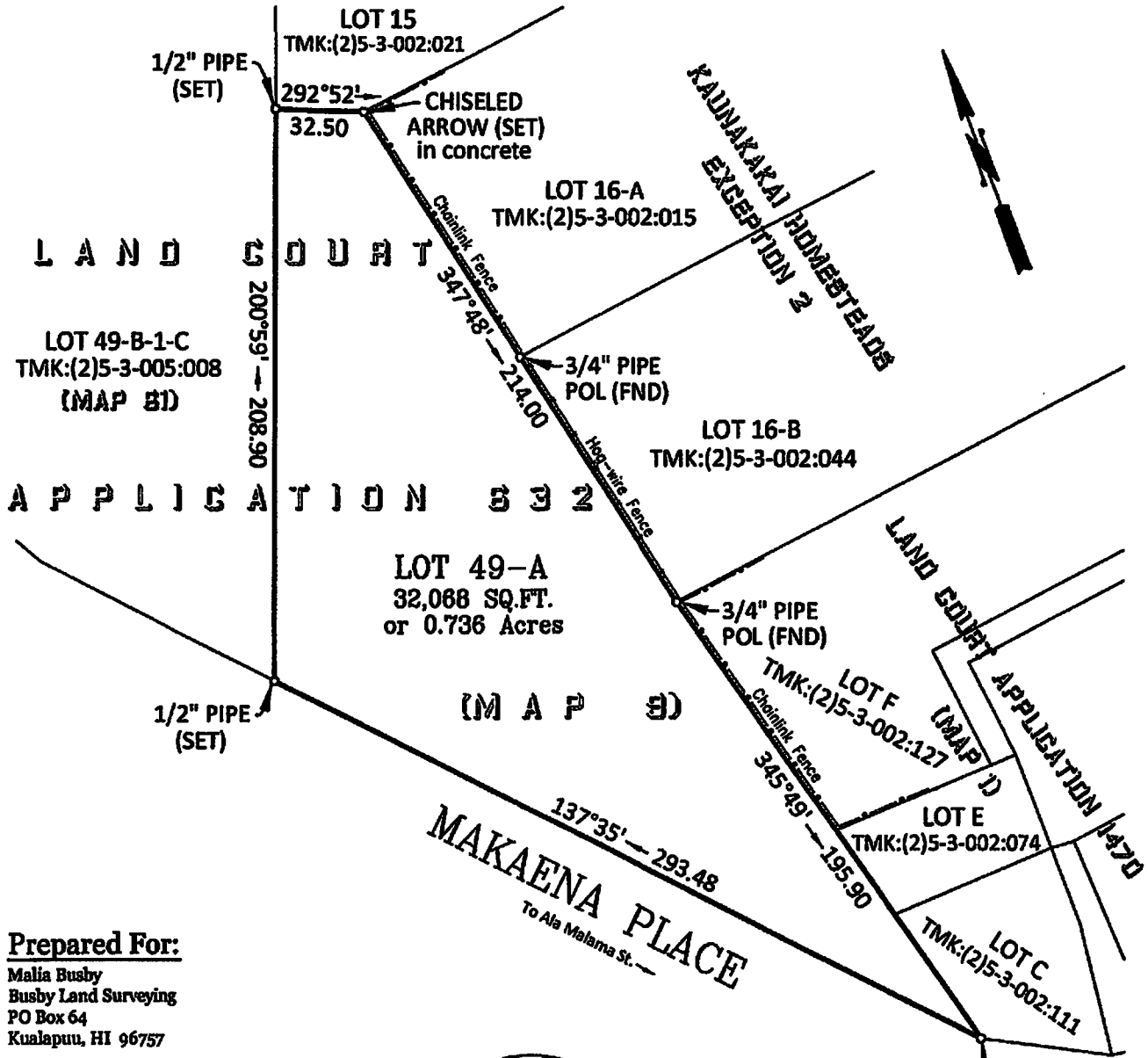
[Show Scale](#)

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21°05'36.6"N 157°01'22.4"W (21.0935, -157.0229)



EXHIBIT "A"



Prepared For:
Malia Busby
Busby Land Surveying
PO Box 64
Kualapuu, HI 96757

This map was prepared by me or under my direct supervision.

Randall Sherman
Licensed Professional Land Surveyor
State of Hawaii Certificate Number LS4187
License Expiration Date: April 30, 2018
Land Court Certificate Number 189

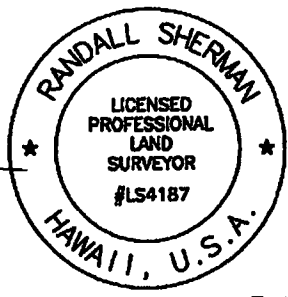


Exhibit Showing
LOT 49-A
of
LAND COURT APPLICATION 632

(Map 9)

Situated at
Kaunakakai, Molokai, Hawaii

NOTES:

1. This map is based on an actual field survey performed on 16 AUG 16.
2. Unless shown herein no encroachments were noted during the course of this survey.
3. POL: Point-on-line

