

# REQUEST FOR LEGAL SERVICES

**D a t e:** November 29, 2022  
**F r o m:** Tamara Paltin, Chair  
Planning and Sustainable Land Use Committee


TRANSMITTAL

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Michael J. Hopper, Esq.

**Subject:** RESOLUTION 22-253, RELATING TO CHANGE IN ZONING FOR REAL PROPERTY IN MĀ‘ALAEA (MAUI OCEAN CENTER) (PSLU-72)

**Background Data:** Please see the attached resolution. Please submit the response to pslu.committee@mauicounty.us with a reference to PSLU-72.

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

Requestor's signature  Tamara Paltin	Contact Person <u>Wilton Leauanae</u> (Telephone Extension: <u>7761</u> )
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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): December 7, 2022  
REASON: For posting for the Council meeting agenda on December 16, 2022.

**FOR CORPORATION COUNSEL'S RESPONSE**

ASSIGNED TO: <u>SMC</u>	ASSIGNMENT NO. <u>2021-0016</u>	BY: <u>GMR</u>
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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): \_\_\_\_\_  
Please see attached the signed resolution. Please ensure that Exhibits A and B, referenced in the proposed ordinance (Exhibit 1), are included in the transmittal to the Maui Planning Commission.

DEPARTMENT OF THE CORPORATION COUNSEL

Date 12/1/2022

By Stephanie Chen

(Rev. 7/03)

pslu:ltr:072acc01:wal

Attachment

# Resolution

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

REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO CHANGE THE ZONING FOR REAL PROPERTY SITUATED IN MĀ‘ALAEA, MAUI, HAWAI‘I, FROM M-1 LIGHT INDUSTRIAL DISTRICT, PROPOSED FUTURE ROADWAY, NO ZONE, AND OPEN ZONE DISTRICT TO B-2 BUSINESS DISTRICT FOR REAL PROPERTY IDENTIFIED AS TAX MAP KEYS (2) 3-6-008:002 AND (2) 3-6-008:011 AND M-1 LIGHT INDUSTRIAL DISTRICT, PROPOSED FUTURE ROADWAY, NO ZONE, AND OPEN ZONE DISTRICT TO B-3 BUSINESS DISTRICT FOR REAL PROPERTY IDENTIFIED AS TAX MAP KEY (2) 3-6-008:003 (MAUI OCEAN CENTER)

WHEREAS, the Council is considering a proposed bill to change the zoning from M-1 Light Industrial District, Proposed Future Roadway, No Zone, and Open Zone District to B-2 Business District for certain real property situated in Mā‘alaea, Maui, Hawai‘i, identified for Real Property Tax purposes as Tax Map Key (2) 3-6-008:002, comprising 5.066 acres, and Tax Map Key (2) 3-6-008:011, comprising approximately 100 square feet, and M-1 Light Industrial District, Proposed Future Roadway, No Zone, and Open Zone District to B-3 Business District for certain real property identified for Real Property Tax purposes as Tax Map Key (2) 3-6-008:003, comprising 0.2413 acres; 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 and provide findings and recommendations to the Council; now, therefore,

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

1. That it refers the proposed bill, entitled “A BILL FOR AN ORDINANCE TO CHANGE THE ZONING FOR REAL PROPERTY SITUATED IN MĀ‘ALAEA, MAUI, HAWAI‘I, FROM M-1 LIGHT INDUSTRIAL DISTRICT, PROPOSED FUTURE ROADWAY, NO ZONE, AND OPEN ZONE DISTRICT TO B-2 BUSINESS DISTRICT FOR REAL PROPERTY IDENTIFIED AS TAX MAP KEYS (2) 3-6-008:002 AND (2) 3-6-008:011 AND M-1 LIGHT INDUSTRIAL DISTRICT, PROPOSED FUTURE ROADWAY, NO ZONE, AND OPEN ZONE DISTRICT TO B-3 BUSINESS DISTRICT FOR REAL PROPERTY IDENTIFIED AS

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

TAX MAP KEY (2) 3-6-008:003 (MAUI OCEAN CENTER),” a copy of which is attached as Exhibit “1,” to the Maui Planning Commission for appropriate action, in accordance with Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended;

2. That it respectfully requests the Maui Planning Commission transmit its findings and recommendations to the Council as expeditiously as possible after receiving advice from the South Maui Advisory Committee to the Maui Planning Commission; and
3. That certified copies of this Resolution be transmitted to the Mayor, Maui Planning Commission, the South Maui Advisory Committee to the Maui Planning Commission, and the Planning Director.

APPROVED AS TO FORM AND LEGALITY:

*Stephanie Chen*

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STEPHANIE M. CHEN

Deputy Corporation Counsel

Department of the Corporation Counsel

LF 2021-016

pslu:misc:072areso01:wal

EXHIBIT "1"

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

BILL NO. \_\_\_\_\_ (2022)

A BILL FOR AN ORDINANCE TO CHANGE THE ZONING FOR REAL PROPERTY SITUATED IN MĀ'ALAEA, MAUI, HAWAI'I, FROM M-1 LIGHT INDUSTRIAL DISTRICT, PROPOSED FUTURE ROADWAY, NO ZONE, AND OPEN ZONE DISTRICT TO B-2 BUSINESS DISTRICT FOR REAL PROPERTY IDENTIFIED AS TAX MAP KEYS (2) 3-6-008:002 AND (2) 3-6-008:011 AND M-1 LIGHT INDUSTRIAL DISTRICT, PROPOSED FUTURE ROADWAY, NO ZONE, AND OPEN ZONE DISTRICT TO B-3 BUSINESS DISTRICT FOR REAL PROPERTY IDENTIFIED AS TAX MAP KEY (2) 3-6-008:003 (MAUI OCEAN CENTER)

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

SECTION 1. Under Chapters 19.12 and 19.510, Maui County Code, a Change in Zoning from M-1 Light Industrial District, Proposed Future Roadway, No Zone, and Open Zone District to B-2 Business District is granted for certain real property situated in Mā'ālaea, Maui, Hawai'i, and identified for Real Property Tax purposes as Tax Map Key (2) 3-6-008:002, comprising 5.066 acres, and Tax Map Key (2) 3-6-008:011, comprising approximately 100 square feet, as identified in Exhibit "A," and M-1 Light Industrial District, Proposed Future Roadway, No Zone, and Open Zone District to B-3 Business District for real property identified for Real Property Tax purposes as Tax Map Key (2) 3-6-008:003, comprising 0.2413 acres, as identified in Exhibit "B."

SECTION 2. This Ordinance takes effect on approval.

## PSLU Committee

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**From:** Graham Resell <Graham.M.Resell@co.maui.hi.us>  
**Sent:** Thursday, December 1, 2022 3:24 PM  
**To:** PSLU Committee  
**Subject:** PSLU-72 Reso 22-253 Maalaea Zoning Change  
**Attachments:** PSLU-72 2022-11-29 Reso Refer Ord Changing Maalaea Zoning DistrictRAFL.pdf

Please find attached the above referenced resolution, approved and signed by our department.

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Graham M. Resell  
Law Technician  
Department of the Corporation Counsel  
Telephone: (808)270-1778