

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

December 16, 2022

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 November 16, 2022, makes reference to Resolution 22-253 entitled “REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO CHANGE THE ZONING FROM M-1 LIGHT INDUSTRIAL DISTRICT AND OPEN ZONE DISTRICT TO B-2 BUSINESS DISTRICT FOR REAL PROPERTY SITUATED IN MĀ’ALAEA, MAUI HAWAI‘I, IDENTIFIED AS TAX MAP KEYS (2) 3-6-008-002 AND (2) 3-6-008-003 (MAUI OCEAN CENTER).”

Resolution 22-253’s purpose is to refer to the Maui Planning Commission a proposed bill entitled “A BILL FOR AN ORDINANCE TO CHANGE THE ZONING FROM M-1 LIGHT INDUSTRIAL DISTRICT AND OPEN ZONE DISTRICT TO B-2 BUSINESS DISTRICT FOR REAL PROPERTY SITUATED IN MĀ’ALAEA, MAUI, HAWAI‘I, IDENTIFIED AS TAX MAP KEYS (2) 3-6-008-002 AND (2)3-6-008-003 (MAUI OCEAN CENTER).”

The purpose of the proposed bill is to amend a Change in Zoning from M-1 Light Industrial District and Open Zone District to B-2 Business District for real property situated in Mā’alaea, Maui, Hawai‘i, identified as tax map key (2) 3-6-008-002, comprising 5.066 acres, and tax map key (2) 3-6-008-003, comprising 0.2413 acres.

By correspondence dated November 10, 2022, Councilmember Kelly Takaya King transmitted a proposed CD1 version of Resolution 22-253, entitled “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

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INDUSTRIAL DISTRICT AND OPEN ZONE DISTRICT TO B-2 BUSINESS DISTRICT FOR REAL PROPERTY IDENTIFIED AS TAX MAP KEY (2) 3-6-008:002 AND TO B-3 BUSINESS DISTRICT FOR REAL PROPERTY IDENTIFIED AS TAX MAP KEY (2) 3-6-008:003 (MAUI OCEAN CENTER).” The proposed CD1 version amends the Change in Zoning for the parcel identified as tax map key (2) 3-6-008:003 to B-3 Business District.

Your Committee received a computer-generated presentation from a Maui Ocean Center representative relating to the environmental stewardship and survival of coral reefs and sea turtles.

The Maui Ocean Center representative said the proposed marine animal hospital and coral nursery would consist of four floors encompassing approximately 35,000 square feet. B-3 Business District zoning would allow for a 400 percent Floor Area Ratio limitation which would accommodate the facility’s proposed square footage.

A Department of Planning representative said B-3 Business District zoning is typically requested by churches or nonprofit organizations for a compelling public interest. In addition, M-1 Industrial District zoning already allows for B-1, B-2, and B-3 District uses.

Your Committee discussed concerns with the maximum building heights allowed in B-2 and B-3 Business Districts and further discussed limiting building heights if the Change in Zoning was approved.

Your Committee discussed a conditional Change in Zoning to limit the planned facility to a specific height far below what is allowed within the B-3 Business District.

Your Committee noted both parcels are zoned M-1 Light Industrial, Proposed Future Roadway, No Zone, and Open Zone District.

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Your Committee also noted the need to reference an additional parcel of approximately 100 square feet identified as tax map key (2) 3-6-008:011 in the proposed legislation.

Your Committee agreed to further amend the proposed CD1 version of Resolution 22-253, and the proposed bill, to reflect a Change in Zoning from M-1 Light Industrial, 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.

Your Committee voted 8-0 to recommend adoption of Resolution 22-253, CD1. Committee Chair Paltin, Vice-Chair King, and members Johnson, Kama, Lee, Molina, Rawlins-Fernandez, and Sinenci voted “aye.” Committee member Sugimura was excused.

Your Committee is in receipt of Resolution 22-253, CD1, entitled “REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO CHANGE THE ZONING FOR REAL PROPERTY SITUATED IN MĀ’ALAEA, MAUI, HAWAII, 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),” approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee’s revisions and nonsubstantive revisions.

Your Planning and Sustainable Land Use Committee RECOMMENDS that Resolution 22-253, CD1, entitled “REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO CHANGE

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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 ADOPTED.

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

Tamara M. Paltin

TAMARA PALTIN, Chair

Resolution

No. 22-253, CD1

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. 22-253, CD1

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

STEPHANIE M. CHEN

Deputy Corporation Counsel

Department of the Corporation Counsel

LF 2021-016

pslu:misc:072areso01:wal

INTRODUCED BY:

Kelly T. King

KELLY TAKAYA KING

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.

Maui Ocean Center

Current Zoning
Legend:

-  Light Industrial
-  B2 Business
-  Not Zoned
-  "Open Zone"
-  Future Roadway
-  MOC Properties

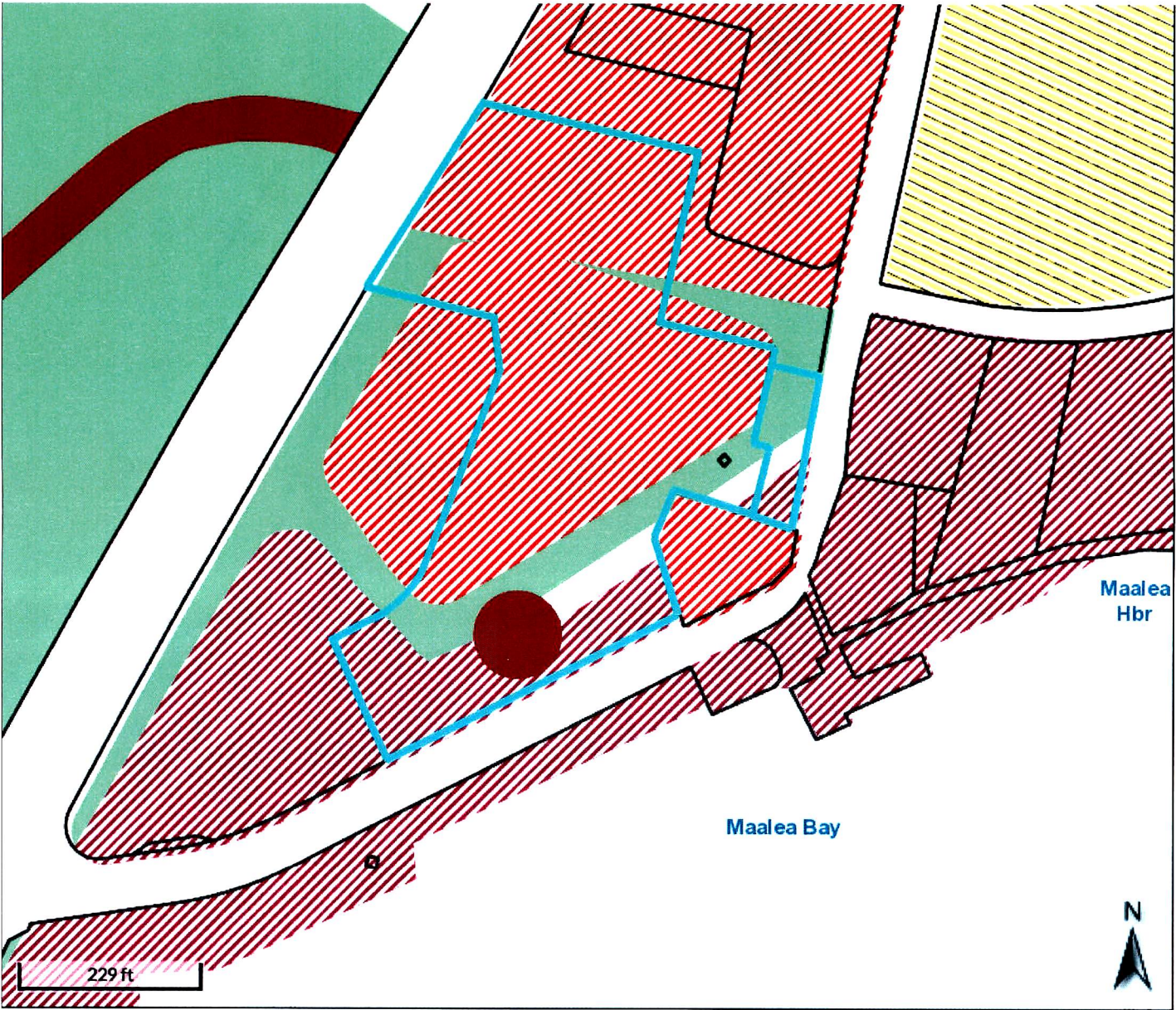
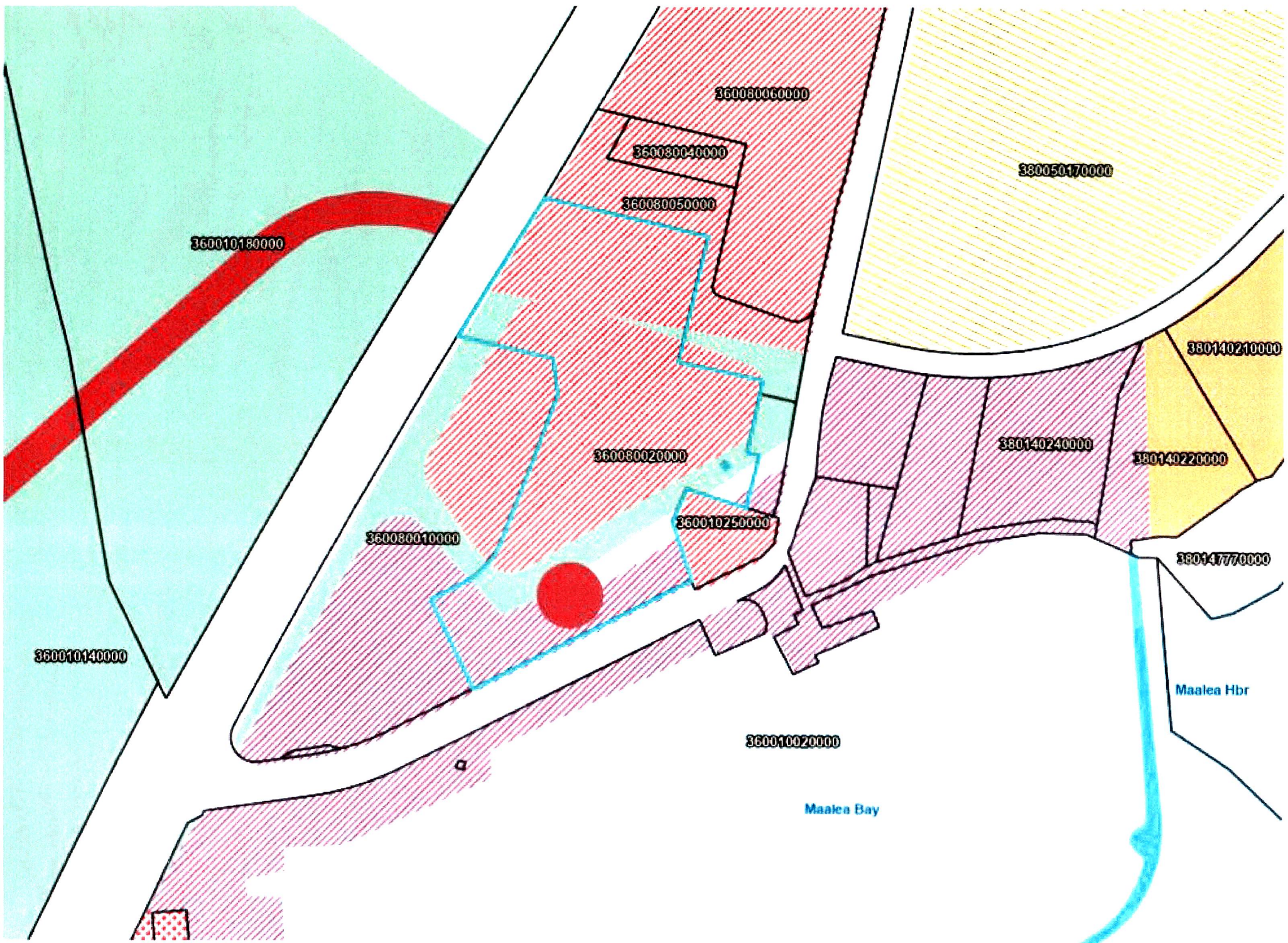


Exhibit "A"



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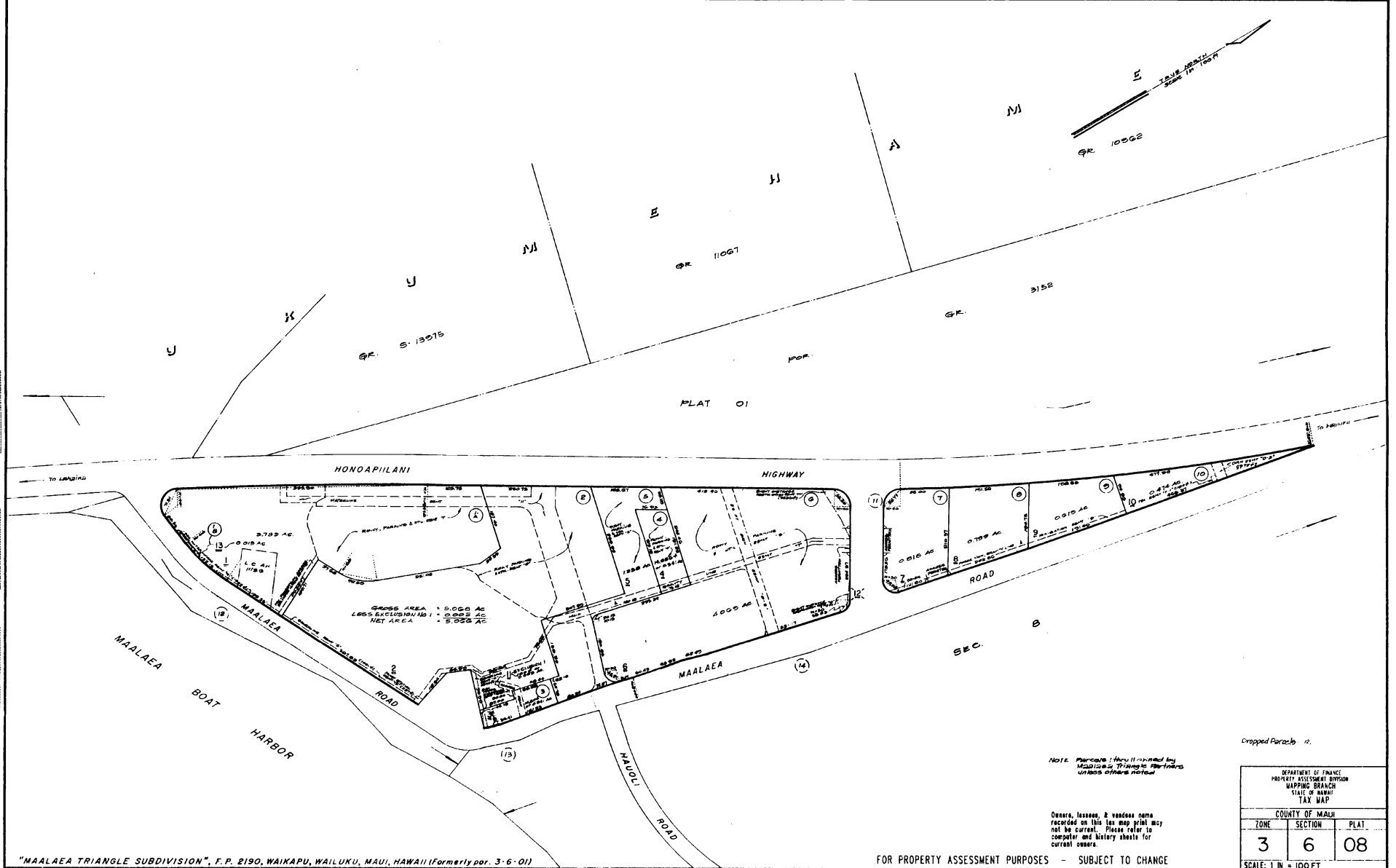
380147700000

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Maalea Bay

Maalea Hbr



Note: Parcels 1 thru 11 owned by Maalaea Triangle Partners unless otherwise noted.

Owners, lessees, & vendees name recorded on this tax map print may not be current. Please refer to computer and history sheets for current owners.

Dropped Parcels: 12.

"MAALAEA TRIANGLE SUBDIVISION", F.P. 2190, WAIKAPU, WAILUKU, MAUI, HAWAII (Formerly par. 3-6-01)

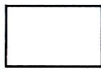
FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE

DEPARTMENT OF FINANCE PROPERTY ASSESSMENT DIVISION MAPPING BRANCH STATE OF HAWAII TAX MAP		
COUNTY OF MAUI		
ZONE	SECTION	PLAT
3	6	08
SCALE: 1 IN = 100 FT		
PRINTED:		

DATE: 05/12/08 BY: JAC/PLG

Maui Ocean Center

Current Zoning
Legend:

-  Light Industrial
-  B2 Business
-  Not Zoned
-  "Open Zone"
-  Future Roadway
-  MOC Properties

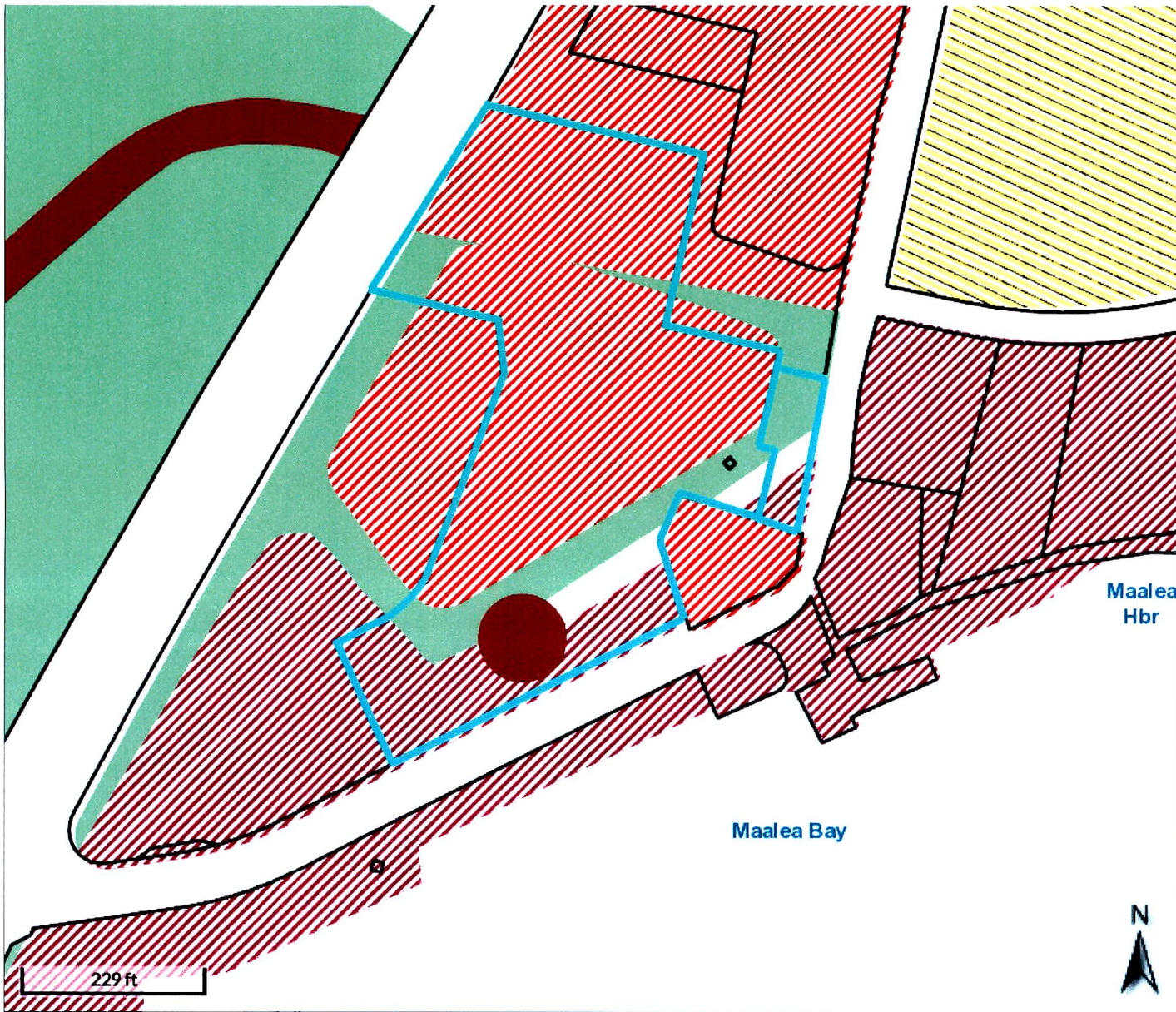
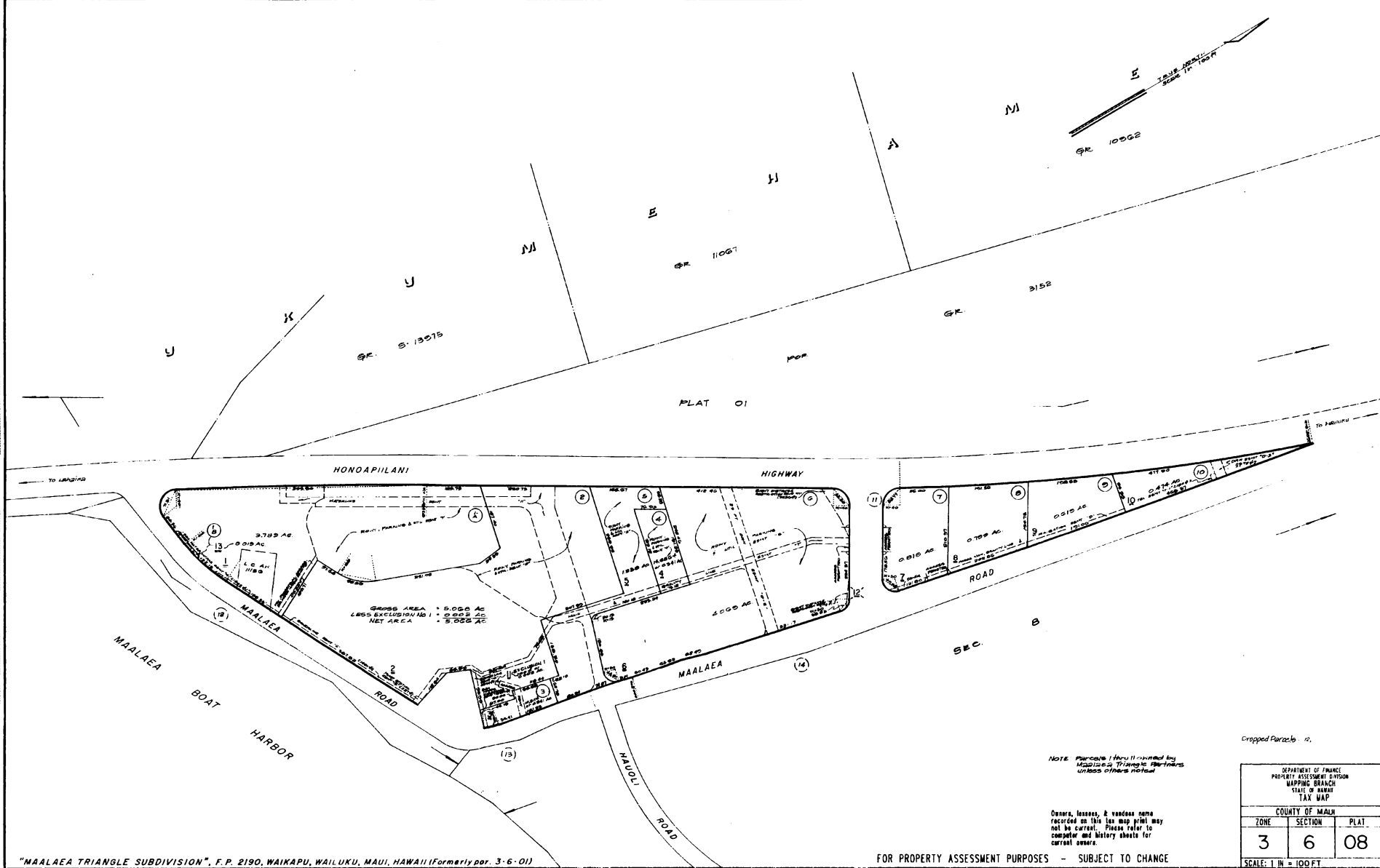


Exhibit "B"





"MAALAEA TRIANGLE SUBDIVISION", F.P. 2190, WAIKAPU, WAILUKU, MAUI, HAWAII (Formerly par. 3-6-01)

FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE

NOTE: Parcels 1 thru 11 owned by Maalaea Triangle Partners unless otherwise noted.

Owners, lessees, & vendors name recorded on this tax map print may not be current. Please refer to computer and history sheets for current owners.

Cropped Parcels: 12

DEPARTMENT OF FINANCE PROPERTY ASSESSMENT DIVISION MAPPING BRANCH STATE OF HAWAII TAX MAP		
COUNTY OF MAUI		
ZONE	SECTION	PLAT
3	6	08
SCALE: 1 IN = 100 FT		
PRINTED:		