

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

March 9, 2018

Committee
Report No. 18-35

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

Chair and Members:

Your Land Use Committee, having met on February 14, 2018, makes reference to County Communication 18-54, from Councilmember Alika Atay, transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP AND TO CHANGE THE ZONING FOR THE SAINT ANTHONY CHURCH AND SCHOOLS PROPERTY ON LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106."

The purpose of the proposed resolution is to refer to the Maui Planning Commission the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-4-018:106." The purpose of the proposed bill is to grant a Community Plan Amendment from Single-Family to Public/Quasi-Public for approximately 0.3133 acre on Lower Main Street, Wailuku, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 3-4-018:106, which is the site of a portion of the existing Saint Anthony Schools' athletic field.
2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO P-2 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI,

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HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106.” The purpose of the proposed bill is to grant a Change in Zoning for approximately 14.317 acres identified for real property tax purposes as tax map key (2) 3-4-019:003 and approximately 0.3133 acre identified for real property tax purposes as tax map key (2) 3-4-018:106, both on Lower Main Street, Wailuku, Maui, Hawaii, which are the site of the existing Saint Anthony Church and Schools and a portion of the Schools’ athletic field, respectively.

Your Committee notes Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require the appropriate planning commission to review proposed land use ordinances and provide findings and recommendations to the Council. Because the subject property is located on Maui, the appropriate planning commission in this case is the Maui Planning Commission.

Tim Cullen, the Head of School, said updating the properties’ zoning and Community Plan designation will support planned campus improvements, including an interim play court facility. He said the play court facility will provide students with a covered area to be used regardless of weather or scheduling conflicts.

Your Committee noted the benefits the educational facility and church provide to the community and the long-standing uses of the property for these purposes. Your Committee supported providing the land use entitlements to make existing uses consistent and to allow improvements to the campus facility to be made.

Your Committee voted 9-0 to recommend adoption of the proposed resolution. Committee Chair Carroll, Vice-Chair Hokama, and members Atay, Cochran, Crivello, Guzman, King, Sugimura, and White voted “aye.”

Your Land Use Committee **RECOMMENDS** that Resolution _____, attached hereto, entitled “REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE

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WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP AND TO CHANGE THE ZONING FOR THE SAINT ANTHONY CHURCH AND SCHOOLS PROPERTY ON LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106," be ADOPTED.

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



ROBERT CARROLL, Chair

lu:cr:18056aa:cmn



Resolution

No. _____

REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP AND TO CHANGE THE ZONING FOR THE SAINT ANTHONY CHURCH AND SCHOOLS PROPERTY ON LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106

WHEREAS, the Council is considering a proposed bill to amend the Wailuku-Kahului Community Plan and Land Use Map from Single-Family to Public/Quasi-Public for that certain real property situated at Lower Main Street, Wailuku, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 3-4-018:106, comprised of approximately 0.3133 acre; and

WHEREAS, the Council is also considering a proposed bill to change the zoning from R-1 Residential District to P-2 Public/Quasi-Public District for those certain real properties situated at Lower Main Street, Wailuku, Maui, Hawaii, and identified for real property tax purposes as tax map keys (2) 3-4-019:003 and (2) 3-4-018:106, comprised of approximately 14.317 acres and 0.3133 acre, respectively; and

WHEREAS, the properties are owned by the Roman Catholic Church and are adjacent to each other; and

WHEREAS, the larger parcel is the existing location of the Saint Anthony Church and Schools, while the smaller parcel is a part of the schools' athletic field; and

WHEREAS, the church and schools were established at their present locations in 1848 and 1883, respectively; and

WHEREAS, the current land use designations of tax map key (2) 3-4-019:003 would not allow for construction of future improvements on the property for its actual, longstanding use as a church and schools without appropriate permits; and

Resolution No. _____

WHEREAS, the proposed land use changes would bring consistency between the properties' land use designations and their existing uses for church and school purposes; and

WHEREAS, the Council, pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended ("Charter"), may propose amendments to land use ordinances and revisions to the General Plan, including Community Plans; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Charter 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 AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-4-018:106," 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
2. That it hereby refers the proposed bill, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO P-2 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106," a copy of which is attached hereto as Exhibit "2" 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
3. That it respectfully requests that the Maui Planning Commission transmit its findings and recommendations to the Council as expeditiously as possible; and

Resolution No. _____

4. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, and the Maui Planning Commission.

APPROVED AS TO FORM AND LEGALITY



DAVID A. GALAZIN
Deputy Corporation Counsel
County of Maui

paf:ajw:17-283c



ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-4-018:106

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Wailuku-Kahului Community Plan and Land Use Map is hereby amended from Single-Family to Public/Quasi-Public for that certain real property situated at Lower Main Street, Wailuku, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 3-4-018:106, comprised of approximately 0.3133 acre, 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:

Department of the Corporation Counsel
County of Maui

paf:cmn:17-283a

EXHIBIT "1"

LOT B

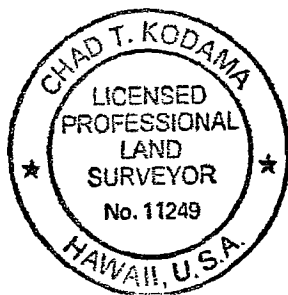
Lot B of Wailuku Sugar Company's Right of Way Subdivision of Parcel 48.

Being a portion of the land conveyed by Deed from the Commissioners of Crown Lands to Keahi dated July 2, 1874 and recorded in Book 89, page 236

Situated in the Ili of Kapapohaku, Wailuku, Maui, Hawaii.

Beginning at the East corner of this parcel of land, on the Northwesterly side of Lower Main Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 3,618.93 feet North and 157.10 feet West and running by azimuths measured clockwise from true South:

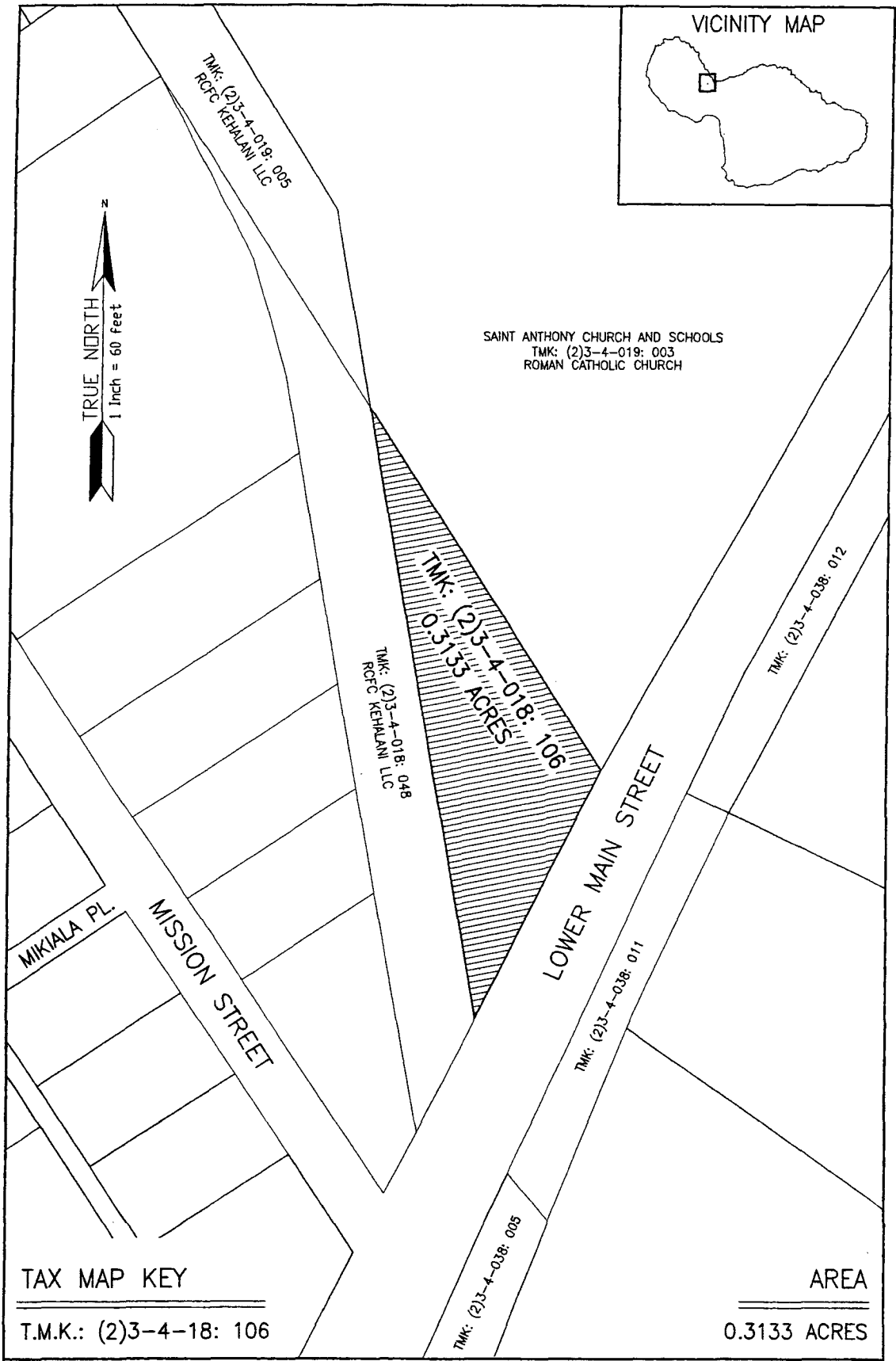
1. 26° 58' 142.43 feet along the Northwesterly side of Lower Main Street;
2. 169° 50' 317.43 feet along Lot A of Wailuku Sugar Company's Right of Way Subdivision of Parcel 48;
3. 326° 58' 221.27 feet along the Southwesterly side of "Saint Anthony's Premises", being also portion of Deed from Kamehameha IV to Kealakai (unrecorded) to the point of beginning and containing an area of 13,647 square feet;



Chad T. Kodama

Chad T. Kodama
Licensed Professional Land Surveyor
Certificate Number 11249
License Expires April 30, 2018

December 30, 2017
Honolulu, Hawaii
Tax Map Key: (2) 3-4-018: 106



COMMUNITY PLAN MAP NO. _____
 COMMUNITY PLAN AMENDMENT - WAILUKU, MAUI, HAWAII
 FROM SF-SINGLE FAMILY TO P-PUBLIC/QUASI-PUBLIC DISTRICT

EXHIBIT "B"



ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO P-2 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106

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

SECTION 1. Pursuant to Chapters 19.31 and 19.510, Maui County Code, a change in zoning from R-1 Residential District to P-2 Public/Quasi-Public District is hereby granted for those certain real properties situated at Lower Main Street, Wailuku, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 3-4-019:003, comprised of approximately 14.317 acres, and tax map key (2) 3-4-018:106, comprised of approximately 0.3133 acre, as more particularly described in Exhibits "A" and "B," respectively, attached hereto and made a part hereof, and in Land Zoning Map No. L-____, attached hereto as Exhibit "C" and made 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:ajw:17-283b

EXHIBIT "2"

Saint Anthony's Premises

All of that certain parcel of land (being portions of Deed from Kamehameha IV to Kealakai (unrecorded), Deed from Kamehameha IV to Louis Maigret dated July 19, 1858 (unrecorded), Deed from Kamehameha IV to Louis Maigret dated January 1858, recorded in Book 904 at Page 471, Royal Patent 5531, Land Commission Award 1742, Apana 4 to Kaauwai, and portion of Grant 3343 to Claus Spreckels), situated between Mill Street and Lower Main Street at Papohaku, Wailuku, Maui, Hawaii.

Beginning at a point at the Northeast corner of this piece of land, being also the Northwest corner of State of Hawaii LOD S-20714, Executive Order No. 2129, and on the Southeasterly side of Mill Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 4,881.98 feet North and 68.28 feet East, and running by true azimuths measured clockwise from South:

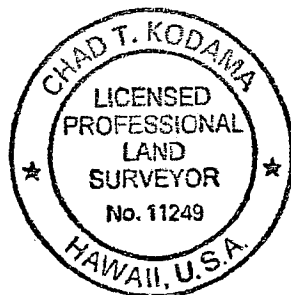
- | | | | | |
|----|------|---------|------------|---|
| 1. | 330° | 13' | 57.06 feet | along State of Hawaii LOD S-20714, Executive Order No. 2129, along Hale Makua premises; |
| 2. | 330° | 35' | 56.13 feet | along same; |
| 3. | 251° | 13' | 1.53 feet | along same; |
| 4. | 332° | 52' 30" | 73.28 feet | along same; |
| 5. | 331° | 26' | 45.00 feet | along Deed from Kamehameha IV to Kawahie (unrecorded), along Hale Makua premises; |
| 6. | 58° | 33' | 47.90 feet | along remainder of Deed from Kamehameha IV to Louis Maigret dated January 1858 and recorded in Book 904 at page 471, along Hale Makua premises; |

- | | | |
|-----|--|---|
| 7. | 333° 54' | 342.50 feet along remainder of Deed from Kamehameha IV to Louis Maigret dated January 1858 and recorded in Book 904 at page 471, along remainder of Deed from Kamehameha IV to Louis Maigret dated July 19, 1858 (unrecorded), along Hale Makua premises; |
| 8. | 33° 42' | 415.55 feet along the Northwesterly side of Lower Main Street; |
| 9. | 29° 31' | 439.00 feet along same; |
| 10. | 146° 58' | 221.27 feet along Lot B of Wailuku Sugar Company's Right of Way Subdivision of Parcel 48, along portion of Deed from the Commissioners of Crown Lands to Keahi dated July 2, 1874 and recorded in Book 89 at page 236; |
| 11. | 169° 50' | 102.93 feet along remainder of Deed from Kamehameha IV to Kealakai; |
| 12. | 146° 58' | 164.29 feet along same; |
| 13. | 146° 49' | 525.32 feet along same; |
| 14. | Thence along the Southeasterly side of Mill Street on a curve to the left with a radius of 1458.40 feet, the chord azimuth and distance being: | |
| | 238° 59' 57" | 324.25 feet; |
| 15. | 232° 37' | 128.86 feet along the Southeasterly side of Mill Street; |

16. Thence along same, on a curve to the right with a radius of 792.51 feet, the chord azimuth and distance being:

246° 55' 20" 391.65 feet;

to the point of beginning and containing an area of 14.317 Acres, more or less.



December 30, 2017
Honolulu, Hawaii
Tax Map Key: (2) 3-4-019: 003

Chad T. Kodama

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License Expires April 30, 2018

LOT B

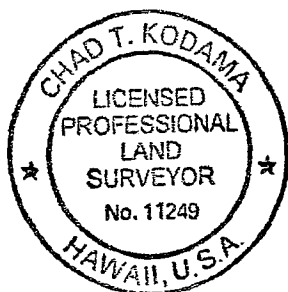
Lot B of Wailuku Sugar Company's Right of Way Subdivision of Parcel 48.

Being a portion of the land conveyed by Deed from the Commissioners of Crown Lands to Keahi dated July 2, 1874 and recorded in Book 89, page 236

Situated in the Ili of Kapapohaku, Wailuku, Maui, Hawaii.

Beginning at the East corner of this parcel of land, on the Northwesterly side of Lower Main Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 3,618.93 feet North and 157.10 feet West and running by azimuths measured clockwise from true South:

1. 26° 58' 142.43 feet along the Northwesterly side of Lower Main Street;
2. 169° 50' 317.43 feet along Lot A of Wailuku Sugar Company's Right of Way Subdivision of Parcel 48;
3. 326° 58' 221.27 feet along the Southwesterly side of "Saint Anthony's Premises", being also portion of Deed from Kamehameha IV to Kealakai (unrecorded) to the point of beginning and containing an area of 13,647 square feet;



Chad T. Kodama

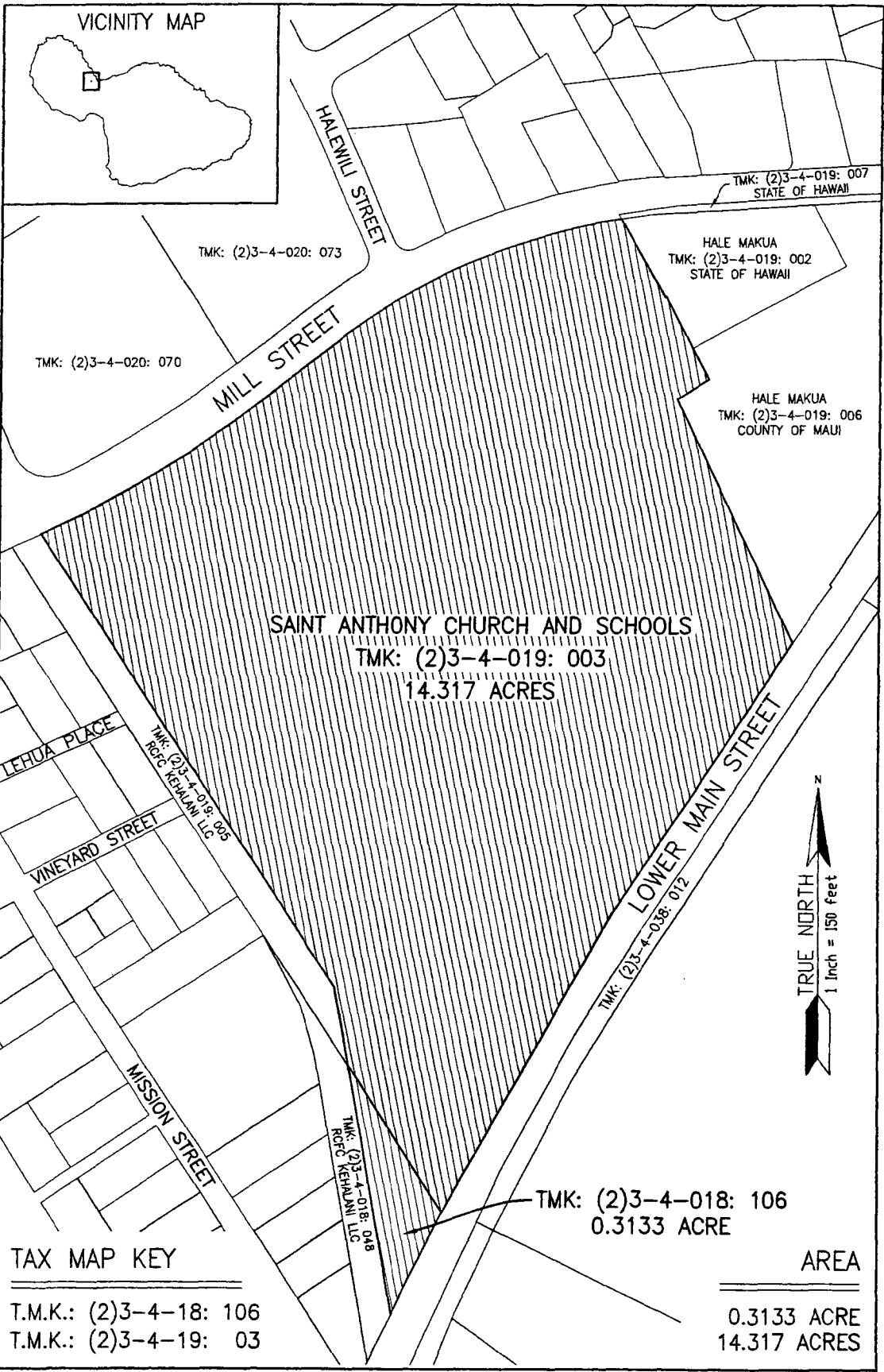
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Licensed Professional Land Surveyor
Certificate Number 11249
License Expires April 30, 2018

December 30, 2017
Honolulu, Hawaii
Tax Map Key: (2) 3-4-018: 106

/ Easement 2

ControlPoint Surveying, Inc.
615 Piikoi Street, Suite 700
Honolulu, Hawaii 96814

EXHIBIT "B"



LAND ZONING MAP NO. _____

CHANGE IN ZONING - WAILUKU, MAUI, HAWAII
 FROM R-1 RESIDENTIAL TO P-2 PUBLIC/QUASI-PUBLIC DISTRICT

EXHIBIT "C"