

**COUNCIL OF THE COUNTY OF MAUI**  
**LAND USE COMMITTEE**

August 5, 2016

**Committee**  
**Report No. 16-119**

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

Chair and Members:

Your Land Use Committee, having met on July 13, 2016, makes reference to County Communication 16-97, from Councilmember Gladys C. Baisa, transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO CHANGE THE WEST MAUI COMMUNITY PLAN DESIGNATION FROM PARK TO BUSINESS AND A PROPOSED BILL TO CHANGE ZONING FROM PK GENERAL PARK DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR PROPERTIES SITUATED AT TAX MAP KEYS (2) 4-4-001:010 (POR.) AND (2) 4-4-014:006 (POR.), LAHAINA, MAUI, HAWAII."

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 WEST MAUI COMMUNITY PLAN AND LAND USE MAP FROM PARK TO BUSINESS, FOR PROPERTIES SITUATED AT LĀHAINĀ, MAUI, HAWAII." The purpose of the proposed bill is to grant a Community Plan Amendment from Park to Business for portions of parcels identified for real property tax purposes as tax map keys (2) 4-4-001:010 (por.) and (2) 4-4-014:006 (por.), Lahaina, Maui, Hawaii, collectively consisting of 0.049 acre.
2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM PK GENERAL PARK DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR APPROXIMATELY 0.049 ACRE FOR PROPERTIES SITUATED AT LĀHAINĀ, MAUI, HAWAII." The purpose of the proposed bill is to grant a Change in Zoning from PK General Park

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District to B-2 Community Business District for portions of parcels identified for real property tax purposes as tax map keys (2) 4-4-001:010 (por.) and (2) 4-4-014:006 (por.), Lahaina, Maui, Hawaii, collectively consisting of 0.049 acre.

A proposed Community Plan Amendment map and a proposed Land Zoning map were also transmitted as part of the County Communication.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed resolution, entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO AMEND THE WEST MAUI COMMUNITY PLAN DESIGNATION FROM PARK TO BUSINESS AND A PROPOSED BILL TO CHANGE THE ZONING FROM PK GENERAL PARK DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR PORTIONS OF PROPERTIES SITUATED AT TAX MAP KEYS (2) 4-4-001:010 AND (2) 4-4-014:006, LAHAINA, MAUI, HAWAII," approved as to form and legality, incorporating nonsubstantive revisions.

The resolution provides the following background information:

- The owners of the subject property agreed to a land exchange with the developers of the Kaanapali North Beach Resort Park to help create a contiguous beach park.
- The imposition of a ten-foot-wide utility easement on the subject property resulted in a smaller useable land area than expected under the terms of the land exchange.
- The proposed Community Plan Amendment and Change in Zoning would result in larger useable land area, consistent with the terms of the land exchange.

Your Committee expressed support for the legislation as a matter of fairness to the owners of the subject property.

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Your Committee notes the land use entitlements associated with the work to create a contiguous beach park were approved by Ordinances 3583, 3584, and 3585 (2008), respectively, as recommended by Land Use Committee Report 08-86.

As recommended by a Deputy Corporation Counsel, your Committee voted to further revise the revised proposed resolution to more generally describe the names of the owners of the subject property.

Your Committee voted 5-0 to recommend adoption of the revised proposed resolution. Committee Chair Carroll, Vice-Chair Victorino, and members Baisa, Cochran, and Crivello voted "aye." Committee members Couch and Guzman were excused.

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions.

Your Land Use Committee RECOMMENDS that Resolution \_\_\_\_\_, as revised herein and attached hereto, entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO AMEND THE WEST MAUI COMMUNITY PLAN DESIGNATION FROM PARK TO BUSINESS AND A PROPOSED BILL TO CHANGE THE ZONING FROM PK GENERAL PARK DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR PORTIONS OF PROPERTIES SITUATED AT TAX MAP KEYS (2) 4-4-001:010 AND (2) 4-4-014:006, LAHAINA, MAUI, HAWAII," be ADOPTED.

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

  
\_\_\_\_\_  
ROBERT CARROLL, Chair

lu:cr:16020aa:scj/cmn

# Resolution

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

REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO AMEND THE WEST MAUI COMMUNITY PLAN DESIGNATION FROM PARK TO BUSINESS AND A PROPOSED BILL TO CHANGE THE ZONING FROM PK GENERAL PARK DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR PORTIONS OF PROPERTIES SITUATED AT TAX MAP KEYS (2) 4-4-001:010 AND (2) 4-4-014:006, LAHAINA, MAUI, HAWAII

WHEREAS, the Council is considering a Community Plan Amendment to the West Maui Community Plan from Park to Business and a Change in Zoning from PK General Park District to B-2 Community Business District for properties collectively consisting of 0.049 acre situated at Lahaina, Maui, Hawaii, identified for real property tax purposes as portions of tax map keys (2) 4-4-001:010 and (2) 4-4-014:006; and

WHEREAS, in order to create a contiguous public beach park at the northern end of the Kaanapali North Beach Resort, Charles James Nunes, Jr. and Angela Marie Nunes, trustees of their respective trusts, agreed to a land exchange with the developers of the Kaanapali North Beach Resort Park involving the transfer of unencumbered land area equal to the original property owned by said trusts; and

WHEREAS, during a 2008 Community Plan Amendment and Change in Zoning for the properties, a five-foot-wide easement for utility purposes was anticipated and accommodated in the land area, but during the subdivision process the required utility easement was increased to approximately ten feet wide, resulting in less unencumbered land area to be transferred to the Nunes' trusts; and

WHEREAS, a Community Plan Amendment from Park to Business and a Change in Zoning from PK General Park District to B-2 Community Business District are being requested for an approximately six-foot-wide area totaling 0.049 acre; 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

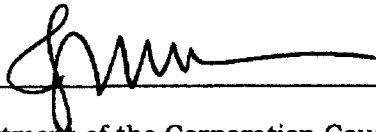
**Resolution No. \_\_\_\_\_**

amendments to the General Plan 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 WEST MAUI COMMUNITY PLAN AND LAND USE MAP FROM PARK TO BUSINESS FOR 0.049 ACRE SITUATED AT LAHAINA, MAUI, HAWAII," 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;
2. That it hereby refers the proposed bill, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM PK GENERAL PARK DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR 0.049 ACRE SITUATED AT LAHAINA, MAUI, HAWAII," 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;
3. That it respectfully requests that the Maui Planning Commission transmit its findings and recommendations to the Council as expeditiously as possible; and
4. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, the Maui Planning Commission, Charles James Nunes, Jr., and Angela Marie Nunes.

APPROVED AS TO FORM AND LEGALITY



Department of the Corporation Counsel  
County of Maui  
2014-3084

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

BILL NO. \_\_\_\_\_ (2016)

A BILL FOR AN ORDINANCE TO AMEND THE WEST MAUI COMMUNITY PLAN  
AND LAND USE MAP FROM PARK TO BUSINESS FOR 0.049 ACRE SITUATED  
AT LAHAINA, MAUI, HAWAII

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the West Maui Community Plan and Land Use Map is hereby amended from Park to Business for property situated at Lahaina, Maui, Hawaii, and identified for real property tax purposes as portions of tax map keys (2) 4-4-001:010 and (2) 4-4-014:006, comprising approximately 0.049 acre, and more particularly described in Exhibit "A," attached hereto and made a part hereof, and in Community Plan Map CP-\_\_\_\_\_, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

lu:misc:020acpabill01

**EXHIBIT "1"**

COMMUNITY PLAN MAP CP-\_\_\_\_

COMMUNITY PLAN AMENDMENT FROM PARK TO BUSINESS

Being a portion of Lot D-1-A-1 of the North Beach Subdivision IIA, being also portions of Royal Patent 6297, Land Commission Award 6601 to Piimoku, Royal Patent 7817, Land Commission Award 5005-B to John White and Parcel A of Grant S-15081 to Pioneer Mill Co., Ltd. Situate at Honokowai, Lahaina (Kaanapali), Maui, Hawaii.

Beginning at the Northeast corner of this parcel of land, along the South side of Roadway Lot 11 (Kaanapali Place) of Land Court Application 485 (Map 4), being also an azimuth and distance of 94°25' and 161.12 feet from the Northeast corner of Lot D-1-A-1 of the North Beach Subdivision II, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MANINI", being 7,188.41 feet North and 13,529.09 feet West and running by azimuths measured clockwise from true South:

1. 16° 10' 357.06 feet along the remainder of Lot D-1-A-1 of the North Beach Subdivision IIA, being also the remainders of Royal Patent 6297, Land Commission Award 6601 to Piimoku, Royal Patent 7817, Land Commission Award 5005-B to John White and Parcel A of Grant S-15081 to Pioneer Mill Co., Ltd;
2. 100° 20' 6.01 feet along the remainder of Lot D-1-A-1 of the North Beach Subdivision IIA, being also the remainder of Parcel A of Grant S-15081 to Pioneer Mill Co., Ltd;
3. 196° 10' 356.43 feet along the remainder of Lot D-1-A-1 of the North Beach Subdivision IIA, being also the remainders of Parcel A of Grant S-15081 to Pioneer Mill Co., Ltd., Royal Patent 7817, Land Commission Award 5005-B to John White and Royal Patent 6297, Land Commission Award 6601 to Piimoku;

**EXHIBIT** "A"



**AUSTIN, TSUTSUMI & ASSOCIATES, INC.**

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521  
HONOLULU, HAWAII 96817-5231

1871 WILI PA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96793

100 PALANI STREET, SUITE 207  
HILO, HAWAII 96720



4. 274° 25'

6.11 feet along Roadway Lot 11 (Kaanapali Place) of Land Court Application 485 (Map 4) to the point of beginning and containing an area of 0.049 acre.

Description Prepared By:

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

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ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
March 4, 2016  
TMK: (2) 4-4-14: Por. 06  
(2) 4-4-01: Por. 10



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

BILL NO. \_\_\_\_\_ (2016)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM PK GENERAL PARK DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR 0.049 ACRE SITUATED AT LAHAINA, MAUI, HAWAII

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

SECTION 1. Pursuant to Chapters 19.18 and 19.510, Maui County Code, a change in zoning from PK General Park District to B-2 Community Business District is hereby granted for property situated at Lahaina, Maui, Hawaii, and identified for real property tax purposes as portions of tax map keys (2) 4-4-001:010 and (2) 4-4-014:006, comprising 0.049 acre, and more particularly described in Exhibit "A," attached hereto and made a part hereof, and in Land Zoning Map L-\_\_\_\_, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

lu:misc:020acizbill01

**EXHIBIT "2"**

LAND ZONING MAP L-\_\_\_

CHANGE IN ZONING FROM PK GENERAL PARK DISTRICT  
TO B-2 COMMUNITY BUSINESS DISTRICT

Being a portion of Lot D-1-A-1 of the North Beach Subdivision IIA, being also portions of Royal Patent 6297, Land Commission Award 6601 to Piimoku, Royal Patent 7817, Land Commission Award 5005-B to John White and Parcel A of Grant S-15081 to Pioneer Mill Co., Ltd. Situate at Honokowai, Lahaina (Kaanapali), Maui, Hawaii.

Beginning at the Northeast corner of this parcel of land, along the South side of Roadway Lot 11 (Kaanapali Place) of Land Court Application 485 (Map 4), being also an azimuth and distance of 94°25' and 161.12 feet from the Northeast corner of Lot D-1-A-1 of the North Beach Subdivision II, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MANINI", being 7,188.41 feet North and 13,529.09 feet West and running by azimuths measured clockwise from true South:

1. 16° 10' 357.06 feet along the remainder of Lot D-1-A-1 of the North Beach Subdivision IIA, being also the remainders of Royal Patent 6297, Land Commission Award 6601 to Piimoku, Royal Patent 7817, Land Commission Award 5005-B to John White and Parcel A of Grant S-15081 to Pioneer Mill Co., Ltd;
2. 100° 20' 6.01 feet along the remainder of Lot D-1-A-1 of the North Beach Subdivision IIA, being also the remainder of Parcel A of Grant S-15081 to Pioneer Mill Co., Ltd;
3. 196° 10' 356.43 feet along the remainder of Lot D-1-A-1 of the North Beach Subdivision IIA, being also the remainders of Parcel A of Grant S-15081 to Pioneer Mill Co., Ltd., Royal Patent 7817, Land Commission Award 5005-B to John White and Royal Patent 6297, Land Commission Award 6601 to Piimoku;

EXHIBIT "A"



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS - SURVEYORS

501 SUMNER STREET, SUITE 521  
HONOLULU, HAWAII 96817-5531

1871 WILIPUA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96793

100 PALANI STREET, SUITE 207  
HILO, HAWAII 96720

4. 274° 25'

6.11 feet along Roadway Lot 11 (Kaanapali Place) of Land Court Application 485 (Map 4) to the point of beginning and containing an area of 0.049 acre.

Description Prepared By:

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

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ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
March 4, 2016  
TMK: (2) 4-4-14: Por. 06  
(2) 4-4-01: Por. 10

-2-



**AUSTIN, TSUTSUMI & ASSOCIATES, INC.**

CIVIL ENGINEERS • SURVEYORS

801 SUMNER STREET, SUITE 821  
HONOLULU, HAWAII 96817-9031

1871 WIL PA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96783

100 PALIARI STREET, SUITE 213  
HILO, HAWAII 96720