

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



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COUNTY OF MAUI OFFICE OF THE MAYOR OFFICE OF THE MAYOR

DEPARTMENT OF PLANNING

February 22, 2017

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Robert Carroll, Chair
and Members of the Land Use Committee
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

[Signature] 2/27/17
Mayor Date

Dear Chair Carroll and Members:

SUBJECT: MAUI PLANNING COMMISSION REVIEW OF COUNCIL DRAFT RESOLUTION NO. 16-100 AND COMMITTEE REPORT NO. 16-100, REGARDING DRAFT BILLS FOR A COMMUNITY PLAN AMENDMENT AND CHANGE OF ZONING (NUNES FAMILY) AT LAHAINA, ISLAND OF MAUI, HAWAII; TMKS: (2) 4-4-001:010 (POR.) and (2) 4-4-014:006 (POR.) (LU-20)

The Department of Planning (Department) would like to inform the Land Use Committee that the Maui Planning Commission (Commission) has reviewed the above draft bills at its regular meeting on December 13, 2016 and unanimously recommend approval without any modification.

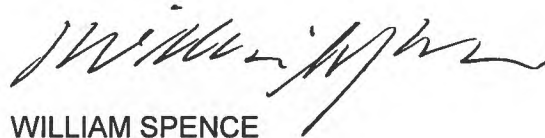
The Department is transmitting back to the Land Use Committee, Resolution No. 16-10 (LU-20), Change Of Zoning (CIZ) and Community Plan Amendment (CPA) and the "Department's Report & Recommendation to the Maui Planning Commission" and minutes of the December 13, 2016 meeting for your further action.

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2017 FEB 28 AM 9: 39
OFFICE OF THE
COUNTY COUNCIL

Honorable Alan M. Arakawa, Mayor
For Transmittal to:
Honorable Robert Carroll, Chair
February 22, 2017
Page 2

Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely,



WILLIAM SPENCE
Planning Director

Attachment

xc: Clayton I. Yoshida, Planning Program Administrator (PDF)
Paul F. Fasi, Staff Planner (PDF)

WRS:PFF:lk

Project File
General File

K:\WP_DOCS\PLANNING\Cpa\2016\CPA 2016-0003\CouncilTrans2.doc

MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEM C-1
DECEMBER 13, 2016

RECEIVED
2017 FEB 22 AM 10: 21
OFFICE OF THE MAYOR

Mr. Spence: Commissioners, we are on the first public hearing item, No. C-1. This is Planning Department transmitting Council Reso. 16-100 referring to the Maui Planning Commission a proposed bill to amend the West Maui Community Plan from Park to Business and proposed zoning change from Park to B-2 Community Business District and the Staff Planner this morning is Mr. Paul Fasi.

C. PUBLIC HEARINGS (Action to be taken after public hearing.)

1. **MR. WILLIAM SPENCE, Planning Director transmitting Council Resolution No. 16-100 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 designation to B-2 Community Business District for portions of properties situated at TMK: 4-4-001: 010 and 4-4-014: 006, Lahaina, Maui, Hawaii. (CPA 2016/0003) (CIZ 2016/0004) (P. Fasi)**

The proposed land use entitlements involve an area of about 0.049 acres of land.

Mr. Paul Fasi: Good morning, Commissioners. Good morning, members of the public. The matter before you are two draft bill resolutions for Community Plan Amendment and Change in Zoning and the purpose of this is to correct a subdivision mapping area that happened back in 2008. And the parcel area in question is roughly 2,136 square feet, ...(inaudible-audio interference)...46 x 46 inch square that's basically the area we're talking about. I think what happened...

Chair Tsai: Paul, hold on a second. Go ahead.

Mr. Fasi: Okay. So what happened back in 2008 was the Nunes Family owned the parcel that was sitting in the middle of a park and so the County approached them or one or the other and they decided to do a land swap and shift the Nunes property up closer to Honoapiilani Highway to get a contiguous park area and they were gracious enough to agree to that. But in the subdivision mapping process somehow they got shorted this 3,100 square feet so basically this is to correct that subdivision mapping area. Colleen Suyama from Munekiyo Hiraga has a slide show but if you don't need it then we won't have to view it. I know you have a lot of things on your agenda so that completes the Department's report. You have any questions I'll be happy to answer them.

Ms. Canto: Chair, I have a question.

Chair Tsai: I think I gotta open it for public testimony. Hold on a second Paul.

a) Public Hearing

Chair Tsai: We're gonna open the public...for testimony for this particular agenda item. Anyone wish to testify on this item please come forward? Seeing none, public testimony is closed. Comments, questions from the Commission? Commissioner Canto?

Ms. Canto: Yes Paul I have a question. Is this a perpetual easement?

Mr. Fasi: Yes.

Ms. Canto: It's perpetual?

Mr. Fasi: Yes.

Ms. Canto: Okay, thank you. Thank you, Chair.

Chair Tsai: Commissioners, would you guys like to see the presentation?

Mr. Fasi: You basically have all the slides in your department report.

Chair Tsai: Okay. Commissioner Robinson?

Mr. Robinson: Hey Paul. I think this is pretty simple. We just want to move the land over a little bit.

Mr. Fasi: Yeah.

Mr. Robinson: The question I have is in that area we're changing designations to business. It was a Park to Business is that where we're switching the Nunes' property?

Mr. Fasi: You see that small yellow portion, that strip of land right there below the pink? In between the pink and green?

Mr. Robinson: I must be color blind because I don't see any yellow. Over here, this one?

Mr. Fasi: That's what we're talking about.

Mr. Robinson: That's all we're talking about. Okay, no further questions.

Chair Tsai: Any other questions from the Commission? Commissioner Hedani?

Mr. Hedani: Paul, the question that I have is...well, I have two questions actually. First question is it talks about a one for one property exchange. Where was the property that was exchanged for the one to one exchange?

Mr. Fasi: If you look at Exhibit 2 in your report there's a prior to and following, pre and post and so that's basically the land swap right there.

Mr. Hedani: Let me rephrase the question. If we're changing 0.049 acres park land to commercial which is I guess what we're doing was there 0.049 acres of land that was provided for park purposes somewhere?

Mr. Fasi: I'm assuming it was. I don't think the County would do a lesser for more land swap with the Nunes Family. I'm assuming it's a one for one but because the subdivision process moved the easement from five feet to ten feet they have to make up that area to the Nunes Family to make it equitable in which it was originally agreed to back in 2008. So the square footage I'm assuming back in 2008 was already agreed to but when they did the subdivision they were shorted. So this resolution is to correct that subdivision error. That's all it is.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: Somebody else has a question.

Chair Tsai: Oh, I thought you raised your hand.

Mr. Hedani: Another question that I had was what is the easement, what purpose is the easement for?

Mr. Fasi: It's for MECO, Maui Electric. Yeah, it's a Maui Electric easement.

Chair Tsai: Any other questions from the Commission?

Mr. Robinson: Move to approve.

Ms. Canto: Second.

Chair Tsai: Wait. Can I have the Department's recommendation first? I know we all ...(inaudible)...get this going.

Mr. Fasi: The Maui Planning Department recommends that the Maui Planning Commission that it recommend to the Maui County Council approval of both bills without modification. It has to go back to the Council for further action.

Mr. Robinson: Move to approve.

Ms. Canto: Second.

Chair Tsai: Okay moved by Commissioner Robinson, second by Commissioner Canto. Discussion regarding the motion? Director will you please repeat the motion?

Mr. Spence: The motion is to approve as recommended by Staff.

Chair Tsai: Okay, call for a vote. All in favor?

Mr. Spence: That's seven ayes. Motion carries.

Chair Tsai: Motion carries. Thank you.

Mr. Fasi: Thank you.

It was then moved by Mr. Robinson, seconded by Ms. Canto, then

VOTED: **To Recommend Approval of the Proposed Bill to Amend the West Maui Community Plan Designation and Change in Zoning to the County Council as Recommended by the Department.**
(Assenting – K. Robinson, P. Canto, L. Carnicelli, L. Hudson, W. Hedani, S. Castro, R. Higashi)
(Excused – S. Duvauchelle)

BEFORE THE MAUI PLANNING COMMISSION RECEIVED ORIGINAL
COUNTY OF MAUI 2017 FEB 22 AM 10: 22
STATE OF HAWAII OFFICE OF THE MAYOR

In the Matter of County Council Resolution
No. 16-100

DOCKET NOs: CPA 2016/0003
CIZ 2016/0004

For TMKs: (2) 4-4-001:010, (2) 4-4-014:006

(Paul F. Fasi)

Draft bills for ordinances to amend the West Maui Community Plan designation from Park to Business and Title 19 MCC zoning from PK General Park to B-2 Community Business District for portions of the following TMKs: 4-4-001:010 and 4-4-014:006, Lahaina, Maui, Hawaii

MAUI PLANNING DEPARTMENT'S REPORT & RECOMMENDATION
TO THE MAUI PLANNING COMMISSION

December 13, 2016

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, HAWAII 96793

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of County Council Resolution
No. 16-100

DOCKET NOS: CPA 2016/0003
CIZ 2016/0004

For TMKs: (2) 4-4-001:010, (2) 4-4-014:006

(Paul F. Fasi)

Draft bills for ordinances to amend the West Maui Community Plan designation from Park to Business and Title 19 MCC zoning from PK General Park to B-2 Community Business District for portions of the following TMKs: 4-4-001:010 and 4-4-014:006, Lahaina, Maui, Hawaii

OVERVIEW OF PROPOSED RESOLUTION:

This matter arises from County Council Resolution No. 16-100 adopted by the County Council on August 5, 2016 and received by the Planning Department on October 28, 2016. The resolution consists of two (2) draft bill resolutions: the first is a Community Plan Amendment (CPA) and the second is for a Change of Zoning (CIZ). The County Council is requesting comment from the Maui Planning Commission on the draft resolutions.

The purpose of the draft resolutions is to swap a 6 ft. x 356 ft. = ~2,136^{ft}² wide strip of land for easement purposes and to correct the additional square footage reflected on the 2008 subdivision map. The original agreement was to swap a 5ft. strip of land for the MECO easement, but ended up as a 10ft. wide easement on the subdivision map. This land swap and resulting CPA and CIZ requirement will correct for this additional utility easement requirement.

~46' x 46'

1. Amend the West Maui Community Plan and Land Use Map from Park to Business (Community Plan Amendment, CPA). **Exhibit 1**
2. Change Title 19 zoning from PK General Park to B-2 Community Business District (Change of Zoning, CIZ). **Exhibit 1**

BRIEF HISTORY OF REQUEST

- In 2008, three (3) land use ordinances were approved by the county council whereby the owners of the property (Nunes) agreed to a land exchange with the developers of the Kaanapali North Beach Resort Park to help create single contiguous beach park as the Nunes property was situated in the middle of the proposed park.

- A Final Environmental Assessment was accepted by the MPC on November 29, 2006.
- During the CPA and CIZ process for the properties, a 5ft. wide utility easement was anticipated, but during the subdivision process, the easement was increased to ~10ft., resulting in an unbalanced land exchange for the Nunes family. **Exhibit 2**
- The imposition of a 10 ft. wide utility easement reflected on the subdivision map resulted in a smaller useable land area for the Nunes family than was expected under the original terms of the land exchange. **Exhibit 3**
- The proposed CPA and CIZ proposals would result in a larger, useable area which would result in a contiguous park and thus, be consistent with the expected terms of the original land exchange. **Exhibit 4**

DESCRIPTION OF THE PROPERTY

The subject property is lies within the Kaanapali North Beach Resort Park in the Lahaina District. It is a small portion (0.049 acre) of a larger parcel and measures 6 ft. x 356 ft. = ~2,136^{ft}² strip of land in an existing park. It is flat, grassy, and maintained as part of the Kaanapali North Beach Resort Park. **Exhibit 4**

Land Use Designations:

	<u>Current</u>	<u>Proposed</u>
West Maui Community Plan	Park.....	Business
County Zoning	PK Park.....	B-2 Community Business
State Land Use District	Urban	No change
Other	SMA	No change

Surrounding Uses:

North.....	Hotels, condominiums
South.....	Park
West.....	Park, beach
East.....	Honoapiilani Hwy.

APPLICABLE REGULATIONS

Community Plan Amendment (CPA)

A CPA is reviewed pursuant to *MCC Title 2.80B.100 - Nondecennial amendments to community plans proposed by the planning director or the council.*

Change of Zoning (CIZ)

A Change of Zoning request is reviewed pursuant to: MCC Title 19.510.020 (B) - Change of Zoning.

B. All amendments to this title, including proposed zoning ordinances, land use ordinances, zoning maps, and regulations and any amendments or modifications thereto, may be proposed by the planning director, the County council or a planning commission and shall be processed as follows:

1. *The planning director shall set the proposed amendment for public hearing on the agenda of the planning commission;*
2. *If a resolution of the County council initiated pursuant to the charter of the County is transmitted to the planning commission, the director shall set a public hearing date not later than sixty calendar days from the date of the receipt of the resolution of the County council and within one hundred twenty calendar days upon receipt of the resolution, the planning commission shall transmit its findings and recommendations to the County council. (Ord. 2316 § 3, 1994; Ord. 2032 § 5 (part), 1991)*

PROCEDURAL MATTERS

1. On July 13, 2016, the County Land Use Committee met and discussed County Communication 16-97 from Councilmember Gladys C. Baisa, Jr., 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."

At this same meeting, the Land Use Committee unanimously voted 5-0 to recommend adoption of the revised proposed resolution. See Land Use Committee Report No. 16-119, dated August 5, 2016. **Exhibit 6**

2. On August 5, 2016, Councilmember Robert Carroll, Chair of the Land Use Committee, transmitted Committee Report No. 16-100 to the Chair and members of the county council. The Committee Report expressed support for the legislation as a matter of fairness to the owners (Nunes) of the subject property and adopted Council Resolution No. 16-100.
3. On October 28, 2016, the Planning Department received Resolution No. 16-100.
4. On November 11, 2016 a notice of hearing on the resolution was published in the Maui News by the Maui Planning Department.
5. On December 2, 2016, the Department transmitted the council resolution to the MPC.
6. By letter dated November 15, 2016, the Department notified the Council of the scheduling of Resolution 16-100 before the Maui Planning Commission on December 13, 2016.
7. Under normal circumstances per Ch. 343 HRS, a CPA triggers an Environmental Assessment (EA). In 2012, on a similar matter in Kuau, the Planning Department consulted with the Office of Environmental Quality Control (OEQC) regarding the necessity of an EA if a County initiated action whether by Council or the Administration, to correct mapping errors. The OEQC director stated that an EA would not be needed

under such circumstances. The Corporation Counsel concurred with the OEQC director's interpretation that an EA was not required in this particular circumstance.

REVIEWING AGENCIES

Due to the nature of the matter – the land exchange being finalized by prior agreement amongst the parties and an EA was conducted for the land entitlements for the original land exchange – it was not transmitted for agency comment.

ANALYSIS

LAND USE

1. The proposed action is in conformance with the goals, objectives and policies of the Hawaii State Plan.

The subject property is located within the Special Management Area of the Island of Maui. The proposed land exchange meets all goals and objectives of Chapter 205A, Coastal Zone Management, HRS.

2. The subject property is in the State Urban District. B-2 Community Business Zoning is consistent with the URBAN designation of the property.

3. The proposed requested zoning change is in keeping with the following Countywide Policy Plan goals, objectives, and policies:

Goal:

Community character, lifestyles, economies, and natural assets will be preserved by managing growth and using land in a sustainable manner.

Objective:

Improve land use management and implement a directed-growth strategy.

Policy:

Direct new development in and around communities with existing infrastructure and service capacity, and protect natural, scenic, shoreline, and cultural resources.

The proposed CPA and CIZ is consistent with the above stated criteria of the Countywide Policy Plan.

4. According to the West Maui Community Plan land use map, the property is identified for Park. The land swap from Park to Business is a 1-for-1 exchange and is an obvious and logical solution for creating a contiguous park. The proposed change in land use entitlements will have no adverse effects upon the environment nor will any additional public resources be necessary.

5. As mentioned previously, the council initiated the resolution referring the two bills in order to provide a means by which to provide a logical and fair land exchange between the parties. The result is a win-win for the owners of the Kaanapali North Beach Resort Park, the Nunes family, and the general public.

Community Plan Amendment

CPA is reviewed pursuant to *MCC Title 2.80B.100 – Nondecennial amendments to community plans proposed by the planning director or the council.*

- A. *Nondecennial amendments to community plans may be proposed by the planning director or by the council by resolution. All proposed amendments shall be referred to the appropriate planning commission for findings and recommendations. Proposals for nondecennial amendments to a community plan made pursuant to this section shall be processed in accordance with sections 8-8.4 and 8-8.6 of the charter.*

The amendment has been proposed by the county council by resolution and has been referred to the Maui Planning Commission for findings and recommendations.

- B. *Prior to approving any amendment to a community plan enacted pursuant to section 2.80B.090 of this chapter, the council shall hold a public hearing regarding the amendment in the relevant community plan area.*
- C. *Nothing in this section shall prevent concurrent processing of other actions related to a proposed amendment. Where an amendment to a community plan directly triggers an amendment to the general plan, such matters shall be processed concurrently.*

Change of Zoning

Change of Zoning requests are reviewed pursuant to MCC Title 19.510.020(B) – Change of Zoning:

- B. *All amendments to this title, including proposed zoning ordinances, land use ordinances, zoning maps, and regulations and any amendments or modifications thereto, may be proposed by the planning director, the County council or a planning commission and shall be processed as follows:*

1. *The planning director shall set the proposed amendment for public hearing on the agenda of the planning commission;*

The matter is scheduled for hearing before the MPC on December 13, 2016.

2. *If a resolution of the County council initiated pursuant to the charter of the County is transmitted to the planning commission, the director shall set a public hearing date not later than sixty calendar days from the date of the receipt of the resolution of the County council and within one hundred twenty calendar days upon receipt of the resolution, the planning commission shall transmit its findings and recommendations to the County council.*

On October 28, 2016, the Planning Department received the Resolution from the Mayor's Office 47 days prior to the hearing. The 120-day deadline for the MPC to

transmit its recommendation back to the Council is February 28, 2017.

3. *The planning director shall notify the County council, and the appropriate State and County agencies, and those persons who requested notification of meetings pursuant to subsection A of this section. (Ord. 2316 § 3, 1994; Ord. 2032 § 5 (part). 1991)*

By letter dated November 15, 2016, the Planning Department notified the County Council of the date for the MPC scheduled hearing.

OTHER GOVERNMENTAL APPROVALS

The CPA & CIZ must be transmitted back to the County Council for further action.

TESTIMONY

As of November 30, 2016, the Department has not received any letters from the public regarding this matter, nor have any agency comments been received.

ALTERNATIVES

Community Plan Amendment:

1. *Deferral:* The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.
2. *Recommend Approval:* The Commission may take action to recommend to the Maui County Council approval of the Community Plan Amendment.
3. *Recommend Denial:* The Commission may take action to recommend denial to the Maui County Council.

Change of Zoning:

1. *Deferral:* The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.
2. *Recommend Approval with No Conditions:* The Commission may take action to recommend to the Maui County Council approval of the Change of Zoning without imposing any conditions.
3. *Recommend Approval with Conditions:* The Commission may take action to recommend to the Maui County Council approval of the Change of Zoning with conditions.
4. *Recommend Partial Approval:* The Commission may take action to recommend to the Maui County Council partial approval of the Change of Zoning.

5. *Recommend Denial:* The Commission may take action to recommend to the Maui County Council to deny the Resolution.

CONCLUSIONS OF LAW

Community Plan Amendment (CPA)

A CPA is reviewed pursuant to *MCC Title 2.80B.100 - Nondecennial amendments to community plans proposed by the planning director or the council.*

Conclusion: The proposed ordinance is to amend the West Maui Community Plan land use map from Park to Business for 0.049 acre parcel. This is not considered a significant change and is actually more consistent with other uses in the area than would be if left unchanged, therefore, the proposed action is consistent with MCC Title 2.8B.

Change of Zoning (CIZ)

A Change of Zoning request is reviewed pursuant to: MCC Title 19.510.020 (B) - Change of Zoning.

B. All amendments to this title, including proposed zoning ordinances, land use ordinances, zoning maps, and regulations and any amendments or modifications thereto, may be proposed by the planning director, the County council or a planning commission and shall be processed as follows:

- 1. The planning director shall set the proposed amendment for public hearing on the agenda of the planning commission;*
- 2. If a resolution of the County council initiated pursuant to the charter of the County is transmitted to the planning commission, the director shall set a public hearing date not later than sixty calendar days from the date of the receipt of the resolution of the County council and within one hundred twenty calendar days upon receipt of the resolution, the planning commission shall transmit its findings and recommendations to the County council. (Ord. 2316 § 3, 1994; Ord. 2032 § 5 (part), 1991)*

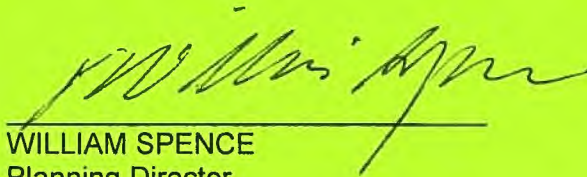
Conclusion: The Title 19 Change of Zoning will change the zoning district from PK General Park District to B-2 Community Business District. The proposed action is consistent with and is supported by the above listed criteria for a CIZ pursuant to Title 19, Chapter 19.510, Section 19.510.040, Change of Zoning, MCC.

RECOMMENDATION

The Maui Planning Department recommends to the Maui Planning Commission that it recommend to the Maui County Council approval of both bills without modification.

In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's Report and Recommendation prepared for the December 13, 2016 meeting as its Findings of Fact, Conclusions of Law, Decision and Order, and to authorize the Director of Planning to transmit said written recommendation(s) to the Maui County Council for further action.

APPROVED:

A handwritten signature in black ink, appearing to read "William Spence", is written over a horizontal line. The signature is cursive and somewhat stylized.

WILLIAM SPENCE
Planning Director

Resolution

No. 16-100

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

EXHIBIT 1

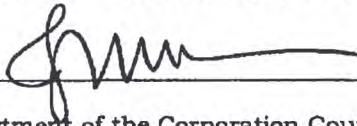
Resolution No. _____

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:

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.

501 SUMNER STREET, SUITE 521
HONOLULU, HAWAII 96817-5031

CIVIL ENGINEERS • SURVEYORS
1871 WILIPA LOOP, SUITE A
WAILUKU, MAUI, HAWAII 96793

100 PALUANI 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.

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-



501 SUMNER STREET, SUITE 521
HONOLULU, HAWAII 96817-5031

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

1671 WELI PA LOOP, SUITE A
WAILUKU, MAUI, HAWAII 96793

100 PALIANI STREET, SUITE 213
HILO, HAWAII 96720

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:

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 $94^{\circ}25'$ 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. $16^{\circ} 10'$ 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. $100^{\circ} 20'$ 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. $196^{\circ} 10'$ 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.

501 SUMNER STREET, SUITE 221
HONOLULU, HAWAII 96817-2221

CIVIL ENGINEERS - SURVEYORS
1871 WILI PA LOOP, SUITE A
WAILUKU, MAUI, HAWAII 96793

100 PALIANS 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.

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-



801 SUMNER STREET, SUITE 821
HONOLULU, HAWAII 96817-8831

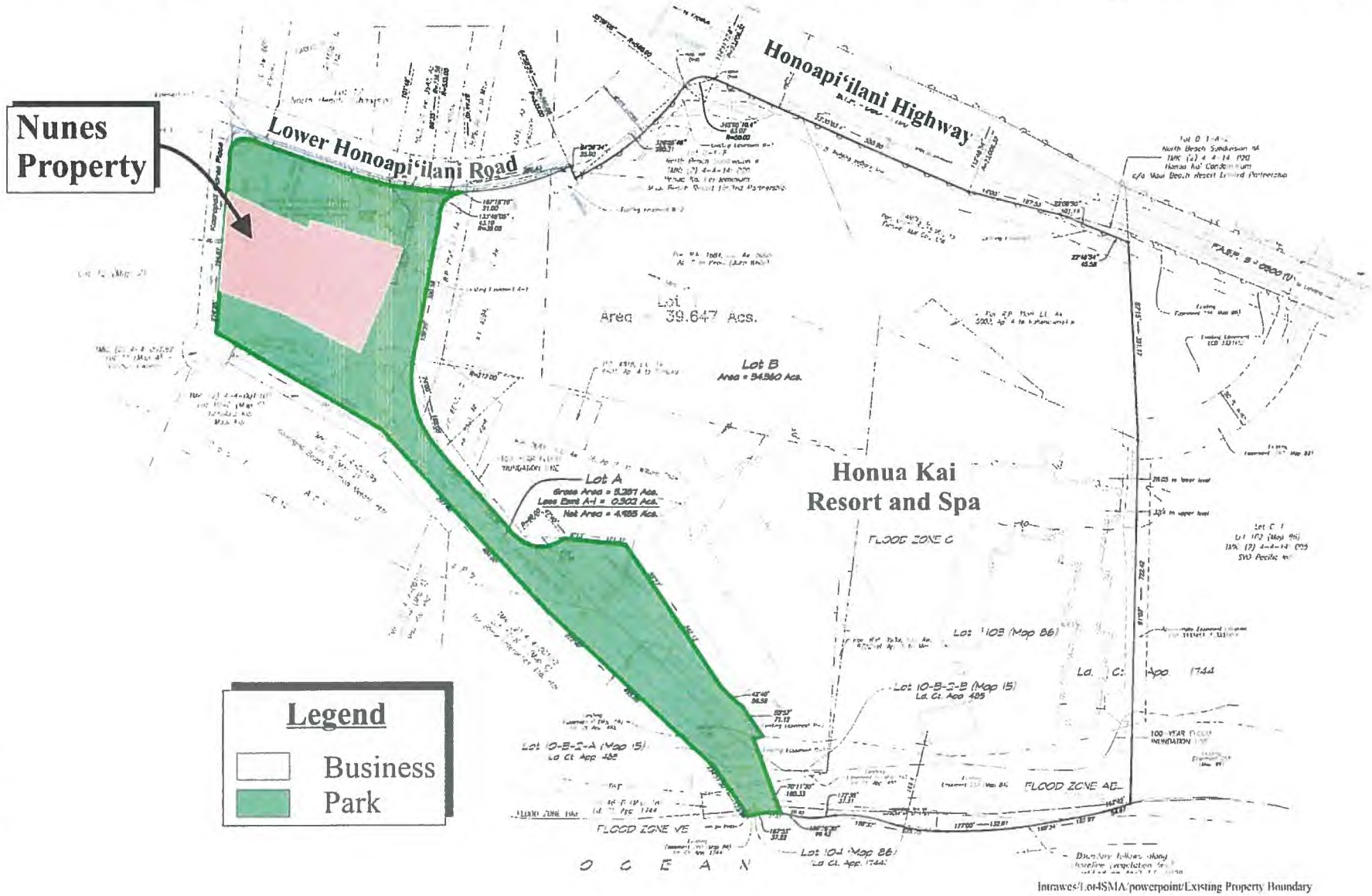
AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

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

100 PALAH STREET, SUITE 213
HILO, HAWAII 96720

North Park (Prior to 2008 CPA/CIZ Approval)



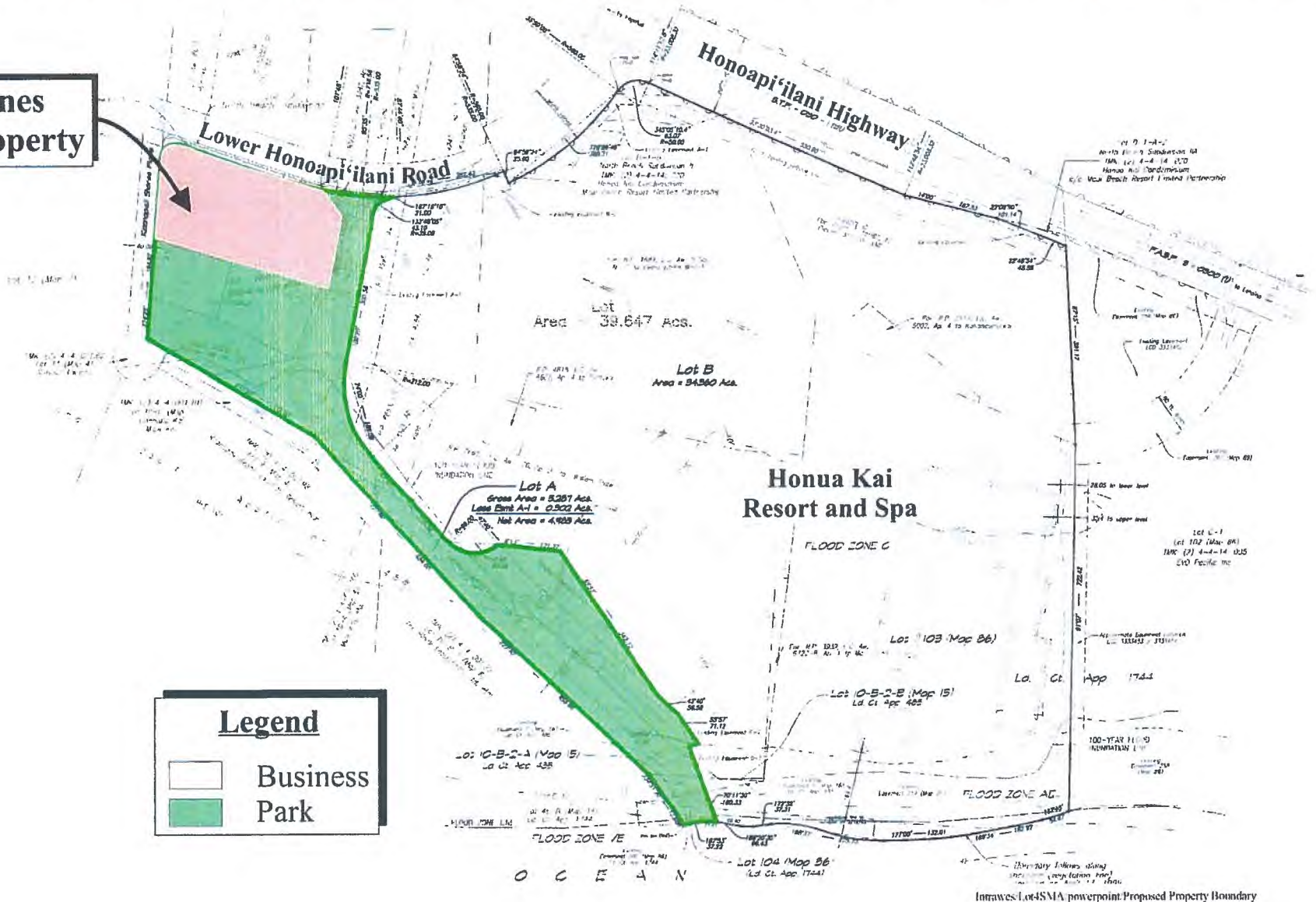
Legend

- Business
- Park

EXHIBIT 2

North Park (Following 2008 CPA/CIZ Approval)

Nunes Property



Inrawes Lot 4 SMA powerpoint Proposed Property Boundary

Area of Request

6-Ft. Wide
(0.049 Acre)
Strip of Land
Proposed for
CPA/CIZ



Legend	
	Business
	Park

Tax Map Key
2nd DIV. 4-4-14:Por. 06
2nd DIV. 4-4-01:Por. 10

Intrawes/Lot45M/powerpoint/Project Site



EXHIBIT
5

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

August 5, 2016

Committee
Report No. 16-100-119

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 LAHAINĀ, 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 LAHAINĀ, MAUI, HAWAII." The purpose of the proposed bill is to grant a Change in Zoning from PK General Park

EXHIBIT 6

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

Page 2

Committee
Report No. _____

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.

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

Page 3

Committee
Report No. _____

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.

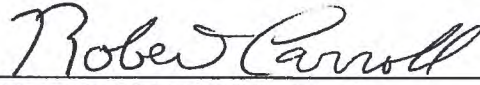
Your Land Use Committee RECOMMENDS that Resolution _____, as revised herein and attached hereto, entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO AMEND THE WEST MAUI COMMUNITY PLAN DESIGNATION FROM PARK TO BUSINESS AND A PROPOSED BILL TO CHANGE THE ZONING FROM PK GENERAL PARK DISTRICT 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.

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

Page 4

**Committee
Report No.** _____

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



ROBERT CARROLL, Chair

lu:cr:16020aa:scj/cmn