

ORDINANCE NO. _____

BILL NO. 94 (2026)

A BILL FOR AN ORDINANCE TO CHANGE ZONING
FROM R-2 RESIDENTIAL DISTRICT TO P-1
PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL
ZONING) FOR 3.255 ACRES AT LAHAINA, HAWAI'I,
TAX MAP KEYS (2) 4-5-002:005 AND 006 (LAHAINA
UNITED METHODIST CHURCH)

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

SECTION 1. On September 26, 2025, the Maui County Council adopted Resolution 25-180, FD1, entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL RELATING TO A CONDITIONAL CHANGE IN ZONING FROM R-2 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING) FOR 3.255 ACRES AT LAHAINA, HAWAI'I, TAX MAP KEYS (2) 4-5-002:005 AND 006 (LAHAINA UNITED METHODIST CHURCH)." Section 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, provides a 120-day period after receipt of the referral within which the planning commission must make its report. The Maui Planning Commission did not report on the referral within that timeframe, allowing the Council to pass the bill attached to Resolution 25-180, FD1, or a substantially similar bill, by an affirmative vote of at least two thirds of the Council's entire membership.

This Ordinance's purpose is to approve a conditional change in zoning that is substantially the same as the proposed conditional change in zoning initiated by Resolution 25-180, FD1.

SECTION 2. Under Chapters 19.31 and 19.510, Maui County Code, a Change in Zoning from R-2 Residential District to P-1 Public/Quasi-Public District is granted for two parcels in Lahaina, Hawai'i, identified for Real Property Tax purposes as Tax Map Keys (2) 4-5-002:005 and 006, comprising 3.255 acres, and more particularly described in Exhibit "A" and Exhibit "B," respectively.

SECTION 3. Under Section 19.510.050, Maui County Code, the zoning granted by this Ordinance is subject to the conditions in Exhibit "C" and the Unilateral Agreement and Declaration for Conditional Zoning in Exhibit "D," which must be recorded in the Bureau of Conveyances of the State of Hawai'i.

SECTION 4. This Ordinance takes effect on approval.

paf:mkm:25-244h

INTRODUCED BY:

Tamara A.M. Paltin

TAMARA PALTIN

Exhibit "A"

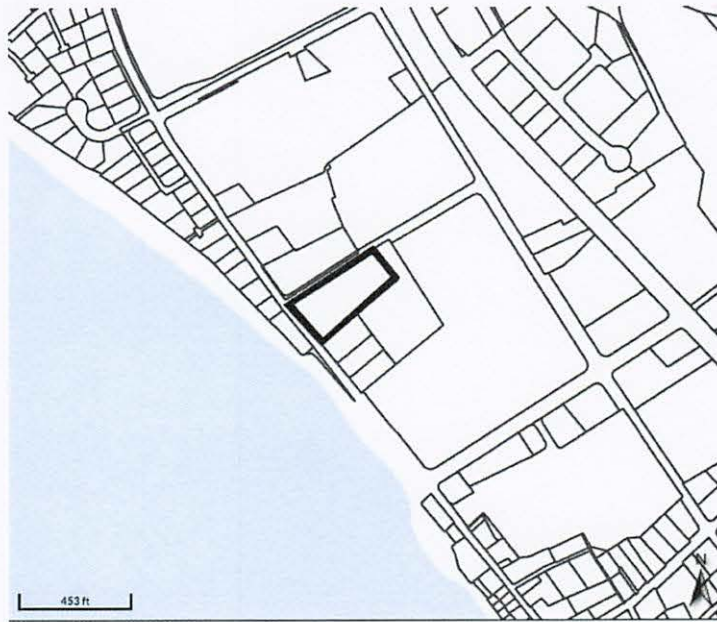
LAND DESCRIPTION

Addresses: 988 Front Street and 142 Baker Street, Lahaina, Hawai'i 96761.

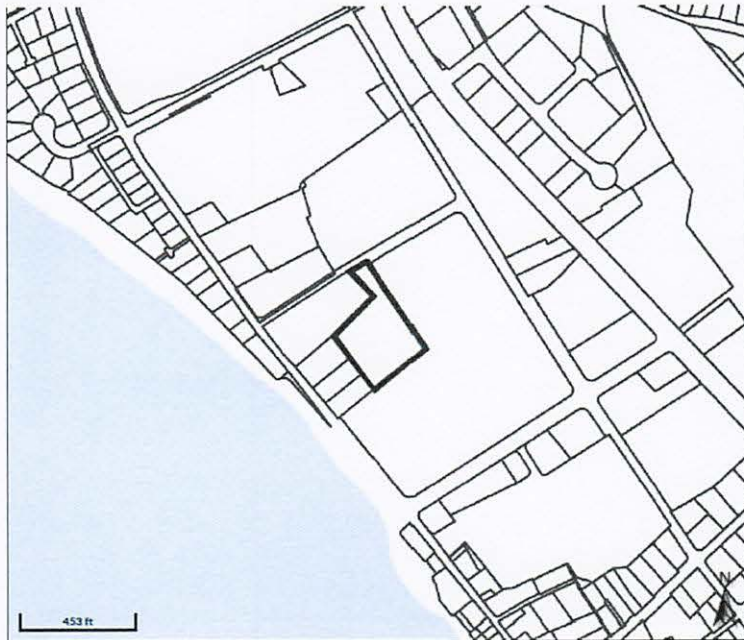
Tax Map Keys: (2) 4-5-002:005 and (2) 4-5-002:006.

Maps: See next two pages.

988 Front St.



142 Baker St.



paf:mkm:25-244i

Exhibit "C"

CONDITIONS OF ZONING

1. Despite Section 19.31.020, Maui County Code, the following uses are prohibited:
 - Cemeteries and crematoriums
 - Hospitals
 - Water treatment facilities
 - Wastewater treatment facilities
2. Despite Sections 19.31.030 and 19.31.040, Maui County Code, uses and structures that are accessory to of similar intensity to the uses prohibited in Condition 1 are also prohibited.

paf:mkm:25-244k

EXHIBIT "D"

LAND COURT

REGULAR SYSTEM

Return by Mail to:

OFFICE OF THE COUNTY CLERK
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

TITLE OF DOCUMENT:

UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL
ZONING

TOTAL NUMBER OF PAGES ____

Affects Tax Map Keys (2) 4-5-002:005 and (2) 4-5-002:006

UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

THIS AGREEMENT, made on _____, 20___, by Lahaina United Methodist Church, referred to as "the Declarant," which is the owner of two adjacent parcels located at 988 Front Street and 142 Baker Street, Lahaina, Maui, Hawai'i, identified for real property tax purposes as Tax Map Keys (2) 4-5-002:005 and 006 referred to as "the Property."

WITNESSETH:

WHEREAS, the Council of the County of Maui, State of Hawaii, is considering the establishment of P-1 Public/Quasi-Public District zoning for the Property, which comprises approximately 3.255 acres and is described in Exhibit "1" and Exhibit "2,"; and

WHEREAS, the Council recommends through Committee Report ____ that the establishment of P-1 Public/Quasi-Public District zoning be approved for passage on first reading subject to certain conditions under Section 19.510.050, Maui County Code; and

WHEREAS, the Declarant has agreed to execute this instrument under the conditional zoning provisions of Section 19.510.050, Maui County Code.

NOW, THEREFORE, the Declarant makes the following Declaration:

1. That this Declaration is under the provisions of Section 19.510.050, Maui County Code, on conditional zoning;

2. That until written release by the County of Maui, the Property is held subject to the covenants, conditions, and restrictions, which are effective as to and run with the land as to the Property from and after the recording of this Declaration with the Bureau of Conveyances or the Land Court of the State of Hawaii without the execution, delivery, or recordation of any further deed, instrument, document, agreement, declaration, covenant, or the like by the Declarant, the County of Maui, or any heir, devisee, executor, administrator, personal representative, successor, and assign; that the acquisition of any right, title, or interest in or with respect to the Property by any person or entity includes the acceptance of all of the covenants, conditions, and restrictions of this Declaration by the person or entity and that upon any transfer of any right, title, or interest in or with respect to the Property, the person or entity will be subject to, and the transferee will assume and be bound and obligated to observe and perform all of the covenants, conditions, and restrictions of this Declaration;

3. That this Declaration and all of the covenants, conditions, and restrictions continue to be effective as to and run with the land in perpetuity or

until the Declarant notifies the appropriate County department that any of the covenants, conditions, and restrictions are satisfied by the Declarant, and the appropriate County department verifies the satisfaction and provides a written release of the covenant, condition, or restriction;

4. That the term Declarant and any pronoun in reference to the Declarant means the singular or the plural, the masculine or the feminine, or the neuter, and vice versa, includes any corporation, and includes the Declarant, the Declarant's heirs, devisees, executors, administrators, personal representatives, successors, and assigns;

5. That the Declaration will become fully effective on the effective date of the zoning ordinance approving the establishment of P-1 Public/Quasi-Public District zoning, and this Declaration must be recorded in the Bureau of Conveyances or Land Court of the State of Hawaii;

6. That the Declarant agrees to develop the Property in conformance with the conditions in Exhibit "3";

7. That the conditions imposed are reasonable and rationally relate to the objective of preserving the public health, safety, and general welfare, and the conditions fulfill the need for the public service demands created by the Property's proposed use;

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that until released in writing by the County, the conditions imposed in this Declaration will run with the land identified as the Property and will bind and constitute notice to all later owners, lessees, grantees, assignees, mortgagees, lienors, and any other persons who claim an interest in the Property, and the County of Maui will have the right to enforce this Declaration by appropriate action at law or suit in equity against all persons, except that the Declarant or its successors and assigns may at any time file a petition for the removal of the conditions and terminate this Declaration, with the petition to be processed in the same manner as petitions for a change in zoning.

This Declaration may be executed in counterparts, each of which will be considered an original but all of which taken together are one and the same Declaration.

Each person signing this Unilateral Agreement represents and warrants that they are duly authorized and have legal capacity to execute and deliver this Unilateral Agreement. Each party represents and warrants to the other that the execution and delivery of this Unilateral Agreement and the performance of the party's obligations have been duly authorized and that this Unilateral Agreement is a valid and legal agreement binding on the party and enforceable in accordance with its terms.

IN WITNESS WHEREOF, the undersigned have executed this Declaration the day and year first written above.

DECLARANT:

Lahaina United Methodist Church

By: _____

Name of Signer _____

Title of Signer _____

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

STATE OF _____)
)
) SS.

On this ____ day of _____, 20____, before me personally appeared _____, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

[Stamp or Seal]

Notary Public, State of _____

Print Name: _____

My Commission Expires: _____

NOTARY PUBLIC CERTIFICATION

Doc. Date: _____ # Pages: _____

Notary Name: _____ Judicial Circuit: _____

Document Description: _____

[Stamp or Seal]

Notary Signature: _____

Date: _____

EXHIBIT "1"

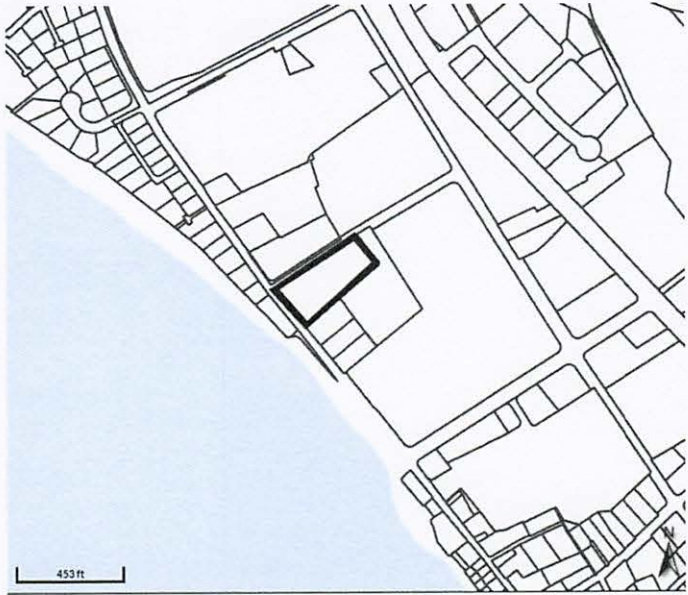
LAND DESCRIPTION

Addresses: 988 Front Street and 142 Baker Street, Lahaina, Hawai'i 96761.

Tax Map Keys: (2) 4-5-002:005 and (2) 4-5-002:006.

Maps: See next two pages.

988 Front St.



142 Baker St.

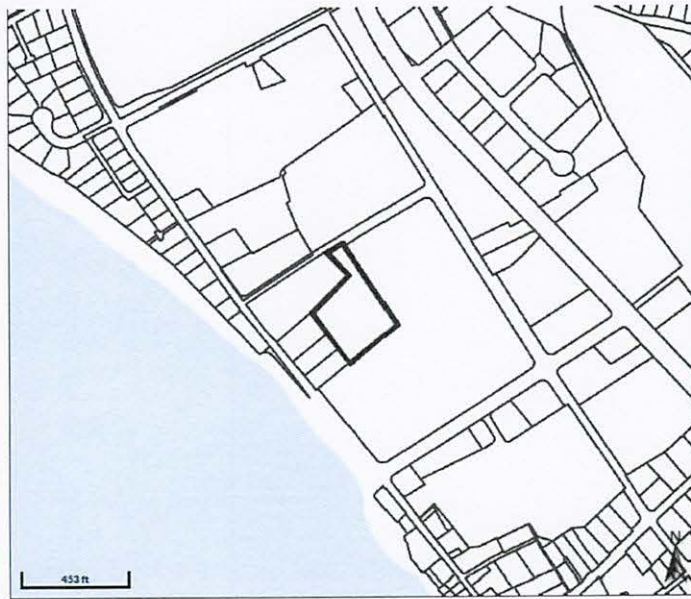
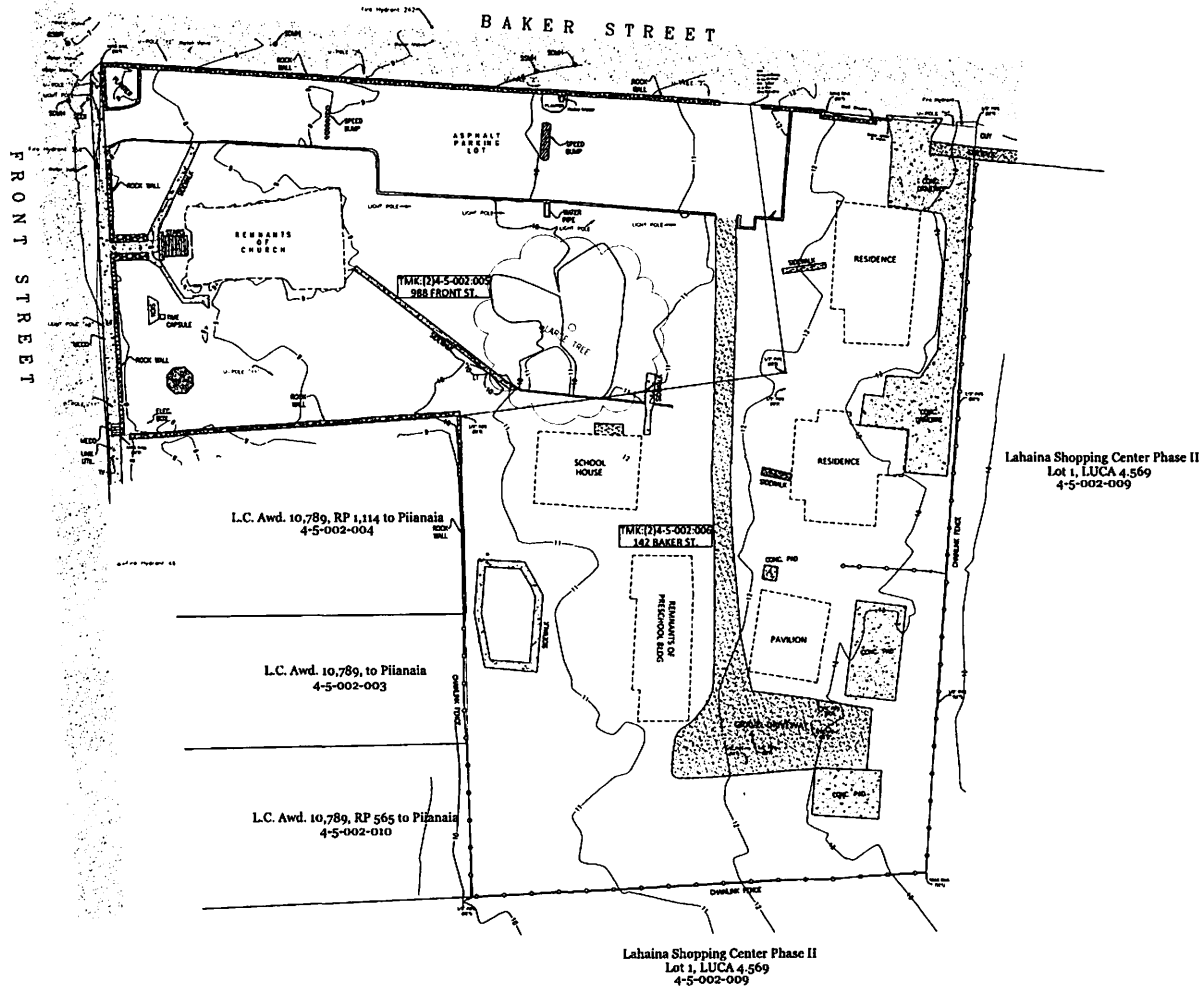
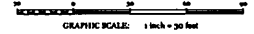


Exhibit "2"



Lahaina Shopping Center Phase II
Lot 1, LUCA 4,569
4-5-002-009

Exhibit Showing
R.P. 660, L.C. Awd. 374 to Antonio Sylva
and a portion of
R.P. 1186, L.C. Awd. 474:1 to Kalei
Situating at
Puuki, Lahaina, Maui, Hawaii



Lahaina Shopping Center Phase II
Lot 1, LUCA 4,569
4-5-002-009

<p>Prepared For: Lahaina United Methodist Church Attn: Charles Anthony 988 Front Street Lahaina, Maui, HI 96761</p>		<p>NOTES:</p> <ol style="list-style-type: none"> 1. This map is based on an actual field survey performed during 2008 & 2009. 2. 1/2" Pipes (24") at all lot corners, unless noted otherwise. 3. Elevations are based on MGS Benchmark BHN 990 (EL. = 25.11). 4. Two fire hydrants were located during this survey. 5. This survey is based on documents filed with the Bureau of Conveyances on 21 OCT 1969 recorded in Liber 4725, page 315.
<p>This map was prepared by me or under my direct supervision.</p>		
<p>Randall Sherman Licensed Professional Land Surveyor State of Hawaii Certificate Number 12,117 License Expiration Date: April 30, 2008 Local Court Certificate No. 189</p>		<p>Date: 30 APR 08</p>
<p>JOB NO: 22048</p>	<p>NAME: L&T-1100 988 Front St</p>	<p>TMS: (A) 4-9-002-009 (B) 4-9-002-008</p>
<p>P.O. Box 129 Kula, Maui, HI 96793</p>		<p>Land Surveyors LLC TEL: (808) 346-8848 Randolph.Randy@LLC.com</p>

EXHIBIT "3"

CONDITIONS OF ZONING

1. Despite Section 19.31.020, Maui County Code, the following uses are prohibited:
 - Cemeteries and crematoriums
 - Hospitals
 - Water treatment facilities
 - Wastewater treatment facilities
2. Despite Sections 19.31.030 and 19.31.040, Maui County Code, uses and structures that are accessory to or of similar intensity to the uses prohibited in Condition 1 are also prohibited.

paf:mkm:25-2441