

ORDINANCE NO. _____

BILL NO. 30 (2024)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM RURAL TO M-1
LIGHT INDUSTRIAL (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT
KIHEI, MAUI, HAWAII TAX MAP KEY (2) 3-9-001:034

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

SECTION 1. In accordance with Chapters 19.24 and 19.510, Maui County Code, a change of zoning from Rural to M-1 Light Industrial (conditional zoning) is granted for that portion of certain real property situated at Kihei, Maui, Hawaii, identified for real property tax purposes as tax map key (2)3-9-001:034, comprising 14.626 acres, and more particularly described in and attached as Exhibit "A," and in Change of Zoning Map No. L-5126, attached as Exhibit "B."

SECTION 2. In accordance with Chapter 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the conditions established in Exhibit "C," and the Unilateral Agreement and Declaration for Conditional Zoning, which is attached and incorporated into this ordinance.

SECTION 3. This Ordinance takes effect on approval.

APPROVED AS TO FORM
AND LEGALITY:



KRISTIN K. TARNSTROM
Deputy Corporation Counsel
County of Maui

LF2023-1875
2023-12-11 Hayes ClZ.docx

EXHIBIT "A"

LAND DESCRIPTION

WAIAKOA MAKAI HOMESTEADS SUBDIVISION, LOT 10 (PORTION)

For Zoning Change purposes affecting a portion of Lot 10 of the Waiakoa Makai Homesteads Subdivision, Tax Map Key: (2) 3-9-001:034.

All of that certain parcel of land (being a portion of Land Patent Grant 11,400 to Ernest Kia Naeole) situated at Waiakoa, Kula, Maui, Hawaii, being Lot 10 of "Waiakoa Makai Homesteads", and described as:

Beginning at the Southwest corner of this land, being also the Southeast Corner of Lot 9, the coordinates referred to Reference Point "KALAEPOHAKU" on the boundary of Pulehunui and Waiakoa being 3,154.90 feet south and 4,012.70 feet East, and said "KALAEPOHAKU" is 17,875.50 feet North and 25,734.00 feet West of Government Survey Triangulation Station "PUU O KALI" as shown on Government Survey Registered Map 2416, and running by azimuths measured clockwise from True South thence:

1. 176° 45' 1,241.50 feet along Lot 9; thence,
2. 263° 17' 47.00 feet along Ohukai Street; thence,
3. 277° 14' 483.71 feet along same; thence,
4. 356° 45' 1186.45 feet along portion of Lot 10 of the Waiakoa Makai Homesteads Subdivision, Tax Map Key: (2) 3-9-001:034; thence,
5. 90° 03' 523.42 feet along the easterly boundary of Lot 1-A-1 of the Kihei Commercial Subdivision, Tax Map Key: (2) 3-9-045:022 to the point of beginning, containing an area of 14.626 Acres, more or less.

This description was prepared by me or under my direct supervision.



Leslie K.T. Lau
Registered Professional Land Surveyor
State of Hawaii Certificate No. LS12978
Expiration Date: 30 April 2024
ACTION SURVEY, LLC

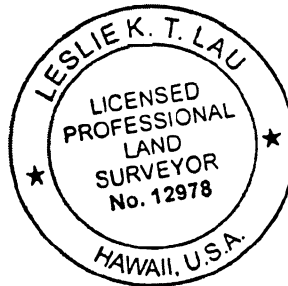


EXHIBIT "B"

0 200 400
SCALE: 1" = 200'

TRUE NORTH

263°17' 47.00'

OHUKAI ROAD

277°14' 483.71'

LOT 1-A-2
TMK: (2) 3-9-045:023

LOT 1-A-1
TMK: (2) 3-9-045:022

LOT 1-A-3
TMK: (2) 3-9-045:024

LOT 1-A-4
TMK: (2) 3-9-045:012

LOT 2
TMK: (2) 3-9-045:014

LOT 108
TMK: (2) 2-2-023:108

176°45' 1,241.50'

356°45' 1,186.45'

3,154.90 S.
4,012.70 E.
"KALAEPOHAKU"

90°03' 523.42'

TMK:(2)3-9-001:016

TMK:(2)3-9-001:169

LOCATION MAP

KAPALUA
KAANAPALI WAIHEE
LAHAINA
OLUWALU
KAHULUI
WAILUKU
MAKAWAO
PUKALANI
OLINDA
HUELO
KALUA
NAHUKU
HANA
KIPAHULU
KAUPA
MAUI
KAHOOLAWE

PROJECT LOCATION

LAND ZONING MAP L-5126

CHANGE OF ZONING - WAIAKOA, KULA MAUI HAWAII

FROM RURAL TO M-1 LIGHT INDUSTRIAL

TAX MAP KEY: (2) 3-9-001:034 (Por.)

AREA: 14.626 AC.

LAND ZONING MAP L-5126

CHANGE OF ZONING - WAIAKOA, KULA MAUI HAWAII
FROM RURAL TO M-1 LIGHT INDUSTRIAL

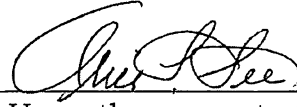
EXHIBIT "C"

CONDITIONS

1. The Applicant shall provide a left-turn lane and median refuge lane at Ohukai Road and Huku Lii Place, as approved by the Department of Public Works (DPW).
2. The Applicant shall post signs restricting the use of engine brakes.
3. A sidewalk shall be installed along Ohukai Road, fronting the project area, consistent with other commercial properties in the area.
4. Best Management Practices shall be developed by the project engineer and the Applicant, and incorporated into the lease documents, including the use of filter fabric when washing and maintaining boats and vehicles to capture hazardous material and toxic waste from entering the soil.
5. A lease document shall be provided to Council prior to their approval.
6. There shall be a 20-foot Landscaping buffer with trees along Ohukai Road to provide a visual screen to minimize dirt and noise. A solid four-foot wall will be installed 20 feet from the front property line for noise mitigation.
7. The Applicant shall work with DPW to determine if the proposed use and types of vehicles traversing in/out would trigger the need for additional traffic improvements along Ohukai Road for pedestrian and bicyclist safety.
8. Any use permitted in a B-1, B-2, or B-3 business district except single family dwellings, duplexes, bungalow courts, short-term rental homes, and transient vacation rentals shall not be allowed. The Applicant shall allow for 'M-1 Light Industrial' uses as follows:
 - Animal kennels
 - Education, specialized
 - General food, fruit and vegetable processing and manufacturing plants
 - Light and heavy equipment and product display rooms, storage and service
 - Machine shop or other metal working shop
 - Plumbing shops
 - Production facility, multimedia
 - Radio transmitting and television stations; provided, that towers are of the self-sustaining type without guys
 - Retail lumber yard including mill and sash work – Mill and sash work shall be conducted within a completely enclosed building
 - Small boat building
 - Tire repair operation including recapping and retreading
 - Utility facilities, minor, and substations up to, and including, 69 kv transmission
 - Warehouse, storage and loft buildings
 - Wholesale business, storage buildings, nonexplosive goods and warehouses

Any use not listed above shall not be allowed on the property.
9. The Applicant shall incorporate native trees to the extent possible into the landscape buffer, and include 'Ilima because that was what was previously grown onsite.

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris R. Lee", is written over a horizontal line.

Upon the request of the Mayor.