

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

December 11, 2018

Committee
Report No. 18-219

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

Chair and Members:

Your Land Use Committee, having met on November 8, 2018, makes reference to County Communication 18-376, from the Planning Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE LANAI COMMUNITY PLAN AND LAND USE MAP FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY FOR PROPERTY SITUATED AT LANAI CITY, LANAI, HAWAII, TAX MAP KEY (2) 4-9-007:029" ("Community Plan Amendment bill"). The purpose of the proposed bill is to grant a Community Plan Amendment from Public/Quasi-Public to Single-Family for an 11,760-square-foot parcel at 337 Houston Street, Lanai City, Hawaii, identified for real property tax purposes as tax map key (2) 4-9-007:029 ("property").
2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM P-1 PUBLIC/QUASI-PUBLIC TO R-1 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT LANAI CITY, LANAI, HAWAII, TAX MAP KEY (2) 4-9-007:029" ("Change in Zoning bill"). The purpose of the proposed bill is to grant a Change in Zoning from P-1 Public/Quasi-Public District to R-1 Residential District for the property.

Your Committee notes the proposed land use entitlements were initiated by the Planning Director to correct mapping errors.

At the request of the Chair of your Committee, the Department of Planning transmitted a revised Community Plan map and a revised Land Zoning map, incorporating nonsubstantive revisions.

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According to the “Maui Planning Department’s Report to the Lanai Planning Commission August 15, 2018” (“Report”), the proposed bills will correct mapping oversights on the 2016 Lanai Community Plan Map and the applicable land zoning map. The Report states the existing single-family residential use is not permitted under the current land use designations. If enacted, the proposed bills will allow the property owners to make improvements or rebuild the two residential dwellings currently on the property in the event of a catastrophic loss.

The Report summarizes the history of the property and events leading to the incorrect Community Plan and zoning designations. In particular, by Ordinance 2738, the Lanai Community Plan Update was enacted. The ordinance contained a matrix changing the Community Plan designation of the parcel to Single Family; however, the Community Plan Map was not amended and the designation remained on the map as Public/Quasi-Public. By Ordinance 2852, Lanai was comprehensively rezoned, and zoning for the parcel was changed from Interim District to P-1 Public/Quasi-Public District based on the parcel’s erroneous Community Plan designation, as depicted on the Lanai Community Plan map.

The Deputy Planning Director informed your Committee that the properties adjacent to the subject parcel are zoned R-1 Residential District, so the requested Change in Zoning would also be consistent with neighboring properties.

Your Committee recommended the revised maps replace the maps attached as Exhibit “B” to each proposed bill.

Your Committee voted 7-0 to recommend passage of the revised proposed bills on first reading and filing of the communication. Committee Chair Carroll and members Atay, Crivello, Guzman, King, Sugimura, and White voted “aye.” Committee Vice-Chair Hokama and member Cochran were excused.

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

Your Committee is also in receipt of a revised proposed Change in Zoning bill, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM P-1 PUBLIC/QUASI-PUBLIC DISTRICT TO R-1 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT LANAI CITY, LANAI, HAWAII, TAX MAP KEY (2) 4-9-007:029," incorporating your Committee's recommended revision and nonsubstantive revisions.

Your Land Use Committee RECOMMENDS the following:

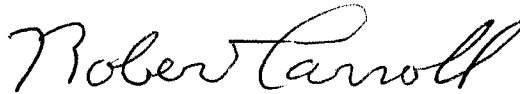
1. That Bill _____ (2018), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND THE LANAI COMMUNITY PLAN AND LAND USE MAP FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY FOR PROPERTY SITUATED AT LANAI CITY, LANAI, HAWAII, TAX MAP KEY (2) 4-9-007:029," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill _____ (2018), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM P-1 PUBLIC/QUASI-PUBLIC DISTRICT TO R-1 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT LANAI CITY, LANAI, HAWAII, TAX MAP KEY (2) 4-9-007:029," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That County Communication 18-376 be FILED.

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



ROBERT CARROLL, Chair

lu:cr:18074aa:cmn

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE TO AMEND THE LANAI COMMUNITY PLAN
AND LAND USE MAP FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY
FOR PROPERTY SITUATED AT LANAI CITY, LANAI, HAWAII,
TAX MAP KEY (2) 4-9-007:029

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Lanai Community Plan and Land Use Map is hereby amended from Public/Quasi-Public to Single-Family for property situated at Lanai City, Lanai, Hawaii, and identified for real property tax purposes as tax map key (2) 4-9-007:029, comprising approximately 11,760 square feet, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Community Plan Map CP-208, 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:



MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui

LF 2017-0095 / 2018-1206
2018-11-09 CPA Ordinance

THIRD STREET

GAY STREET

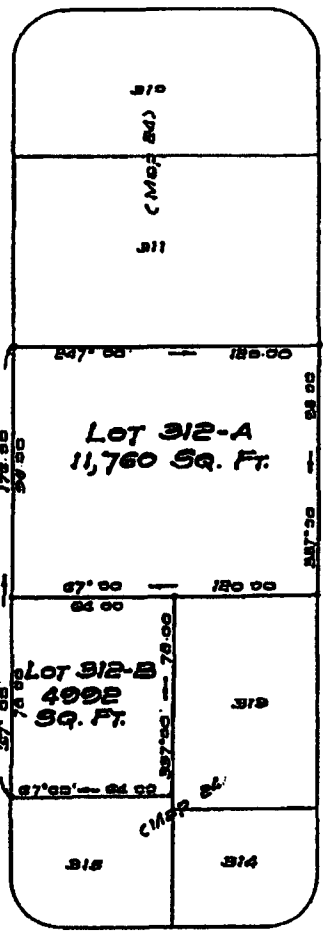
GAY STREET

HOUSTON STREET

HOUSTON STREET

FOURTH STREET

FOURTH STREET

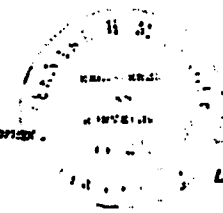


LAND COURT
TERRITORY OF HAWAII

LAND COURT APPLICATION 862

SUBDIVISION OF LOT 312
AS SHOWN ON MAP 24
INTO LOTS 312-A AND 312-B
ISLAND OF LANAI, TERRITORY OF HAWAII

November 30, 1953.
25 Chillingham Bldg. Annex.
Honolulu, T.H.



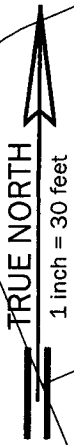
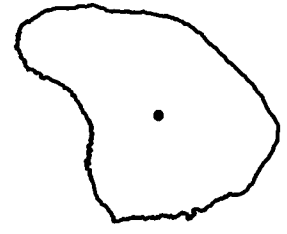
Bernard H. McKeague
Registered Land Surveyor 222
Land Court Surveyor Certificate 48

OWNER: Hawaiian Pineapple Company, Limited
OWNER'S CERTIFICATE OF TITLE: 11, 875

AUTHORIZED AND APPROVED BY ORDER OF THE JUDGE
OF THE LAND COURT DATED DECEMBER 22, 1956
BY ORDER OF THE COURT.

P. M. Sullivan
REGISTRAR OF THE LAND COURT
Filed Dec. 18, 1956
Alexander W. Adams
Assistant Registrar

VICINITY MAP



T.M.K.: (2) 4 - 9 - 07: 28

To
4th
Street

HOUSTON STREET

247° 00' → 120.00

T.M.K.: (2) 4 - 9 - 07: 29
0.27 ACRES

00'86" → 337° 00'

GAY STREET

157° 00' ← 98.00

67° 00' ← 120.00

T.M.K.: (2) 4 - 9 - 07: 31

To
4th
Street

T.M.K.: (2) 4 - 9 - 07: 32

TAX MAP KEY

T.M.K.: (2) 4 - 9 - 07: 29

AREA

0.27 ACRES

"EXHIBIT B"

COMMUNITY PLAN MAP NO. CP-208

COMMUNITY PLAN AMENDMENT - LANAI CITY, LANAI, HAWAII

FROM PUBLIC/QUASI-PUBLIC (P/QP) TO SINGLE - FAMILY (SF)

ORDINANCE NO. _____

BILL NO. _____ (2018)

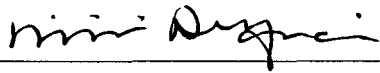
A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
P-1 PUBLIC/QUASI-PUBLIC DISTRICT TO R-1 RESIDENTIAL DISTRICT
FOR PROPERTY SITUATED AT LANAI CITY, LANAI, HAWAII,
TAX MAP KEY (2) 4-9-007:029

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

SECTION 1. Pursuant to Chapters 19.08 and 19.510, Maui County Code, a change in zoning from P-1 Public/Quasi-Public District to R-1 Residential District is hereby granted for that certain parcel of land situated at Lanai City, Lanai, Hawaii, and identified for real property tax purposes as tax map key (2) 4-9-007:029, comprising approximately 11,760 square feet, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map L-2622, 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:



MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui

LF 2017-0095 / 2018-1206
2018-11-09 CIZ Ordinance

MAP 42

LAND COURT TERRITORY OF HAWAII

LAND COURT APPLICATION 862

SUBDIVISION OF LOT 312
AS SHOWN ON MAP 24
INTO LOTS 312-A AND 312-B
ISLAND OF LANAI, TERRITORY OF HAWAII

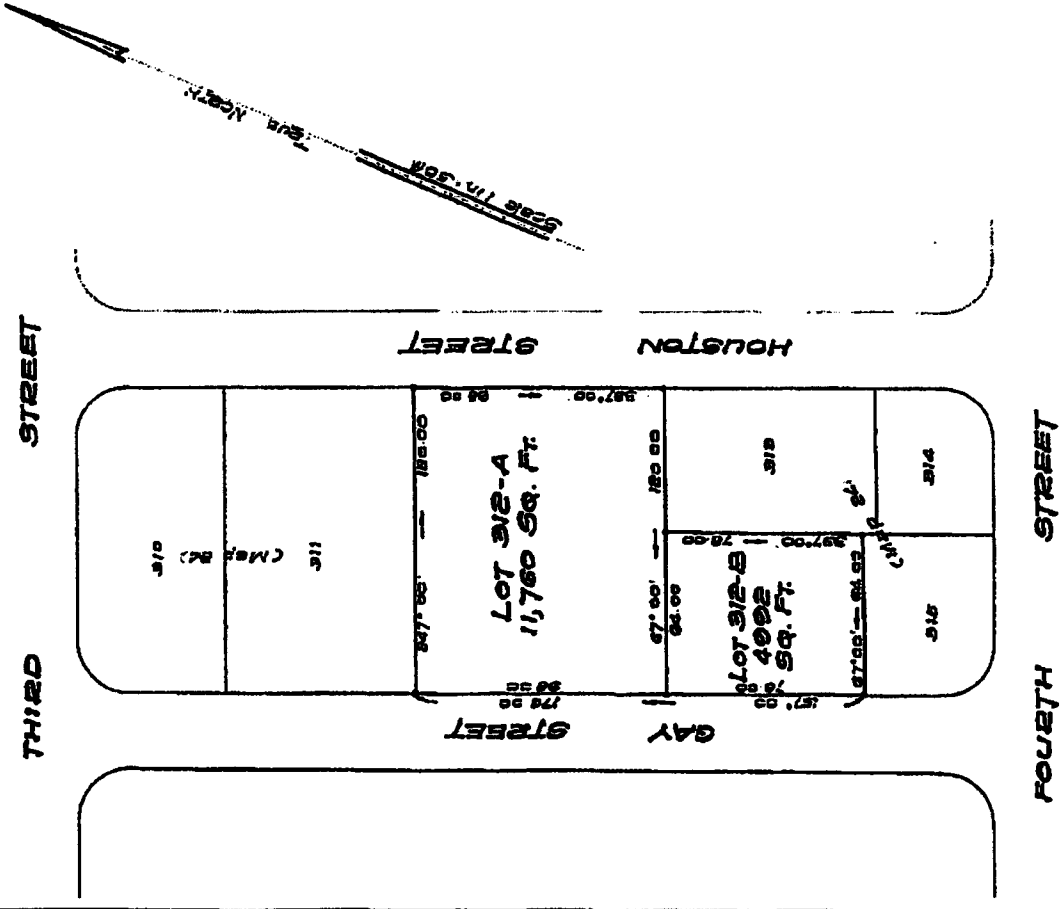
November 20, 1955
20 Chittenden, 31st Avenue,
Honolulu, T.H.

Barrett H. McKeague
Registered Land Surveyor 223
Land Court Surveyor Certificate 48

OWNER: Hawaiian Pineapple Company, Limited
OWNER'S CERTIFICATE OF TITLE: 11, 875

AUTHORIZED AND APPROVED BY ORDER OF THE JUDGE
OF THE LAND COURT DATED DECEMBER 26, 1955
BY ORDER OF THE COURT:

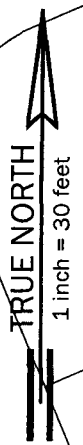
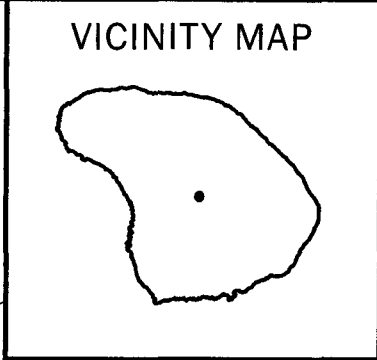
R. M. [Signature]
REGISTRAR OF THE LAND COURT
Filed Dec. 18, 1956
Alanson H. Ahana
Assistant Registrar



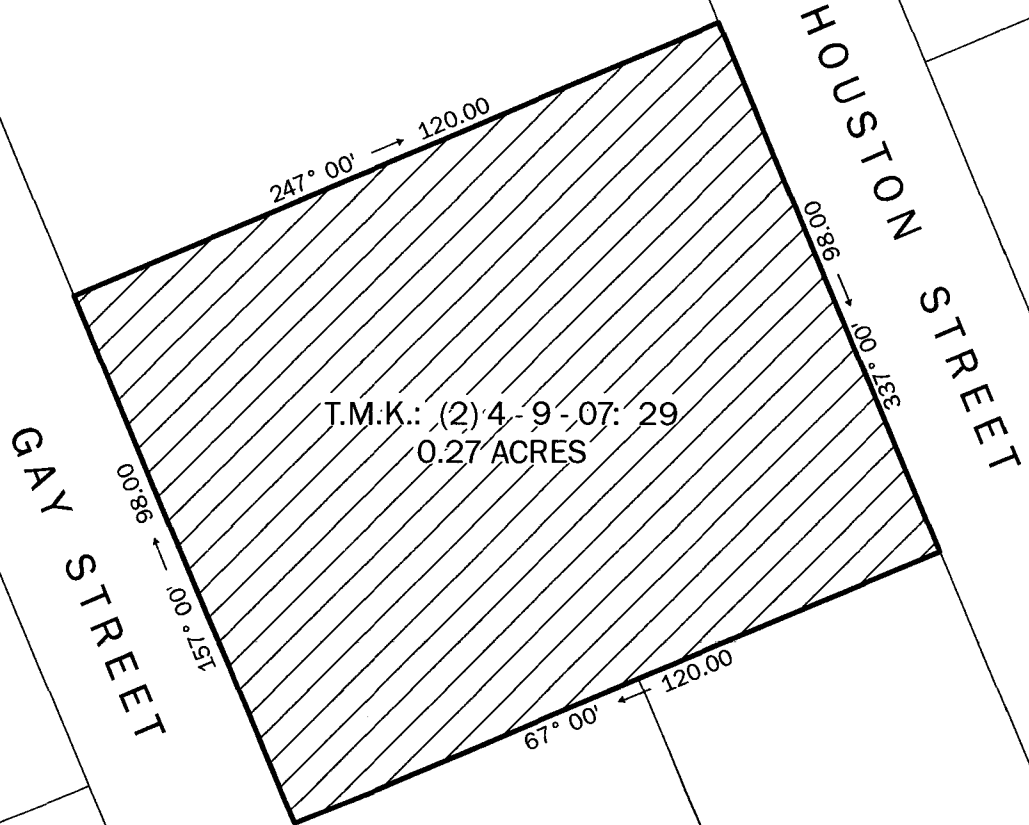
10' x 10' = 1 Sq. Ft.

EXHIBIT "A"

See Map Key 223 on 4-3-57 23



T.M.K.: (2) 4 - 9 - 07: 28



T.M.K.: (2) 4 - 9 - 07: 29
0.27 ACRES

T.M.K.: (2) 4 - 9 - 07: 31

T.M.K.: (2) 4 - 9 - 07: 32

TAX MAP KEY

T.M.K.: (2) 4 - 9 - 07: 29

AREA

0.27 ACRES

"EXHIBIT B"

LAND ZONING MAP NO. L-2622

CHANGE IN ZONING - LANAI CITY, LANAI, HAWAII

FROM P-1 PUBLIC/QUASI-PUBLIC DISTRICT TO R-1 RESIDENTIAL DISTRICT

