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OFFICE OF THE
COUNTY COUNCIL

MEMO TO: PSLU-8 File

Tamara A. M. Paltin

F R O M: Tamara Paltin, Chair
Planning and Sustainable Land Use Committee

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO
DISTRICT BOUNDARY AMENDMENT, COMMUNITY PLAN
AMENDMENT, AND CHANGE IN ZONING FOR THE PROPOSED
PAIA COURTYARD PROJECT AT 120 BALDWIN AVENUE (PAIA)**
(PSLU-8)

The attached legislative proposal pertains to Item 8 on the Committee's agenda.

pslu:ltr:008amc01:alkl

Attachment

Resolution

No. _____

REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO
ESTABLISH A CHANGE IN ZONING AND A DISTRICT BOUNDARY
AMENDMENT FOR THE PAIA COURTYARD PROJECT AT 120 BALDWIN
AVENUE, PAIA, MAUI, HAWAII, TMK (2) 2-5-005-063 (POR.)

WHEREAS, the Council is considering proposed bills to grant a Change in Zoning and a District Boundary Amendment, respectively, at 120 Baldwin Avenue, Paia, Maui, Hawaii, for the Paia Courtyard project; 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 commissions review proposed land use ordinances and provide findings and recommendations to the Council; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it refers the proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO B-CT COUNTRY TOWN BUSINESS DISTRICT AND TO PUBLIC/QUASI-PUBLIC (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT PAIA, MAUI, HAWAII, TAX MAP KEY (2) 2-5-005:063 (POR.)," attached as Exhibit "1," to the Maui Planning Commission for appropriate action under Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended;
2. That it refers the proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT PAIA, MAUI, HAWAII, TAX MAP KEY (2) 2-5-005:063 (POR.)," attached as Exhibit "2," to the Maui Planning Commission for appropriate action under Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended;
2. That it respectfully requests the Maui Planning Commission transmit its findings and recommendations to the Council as expeditiously as possible; and
3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, and the Maui Planning Commission.

APPROVED AS TO FORM AND LEGALITY

Department of the Corporation Counsel
County of Maui

pslu:misc:08areso01:alkl

ORDINANCE NO. _____

BILL NO. _____ (2020)

A BILL FOR AN ORDINANCE TO CHANGE ZONING
FROM INTERIM DISTRICT TO B-CT COUNTRY TOWN BUSINESS DISTRICT
AND TO PUBLIC/QUASI-PUBLIC (CONDITIONAL ZONING) FOR PROPERTY
SITUATED AT PAIA, MAUI, HAWAII, TAX MAP KEY (2) 2-5-005:063 (POR.)

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

SECTION 1. Pursuant to Chapters 19.15 and 19.510, Maui County Code, a change in zoning from Interim District to B-CT Country Town Business District (conditional zoning) is hereby granted for the certain real property situated at Paia, Maui, Hawaii, and identified for real property tax purposes as a portion of tax map key (2) 2-5-005:063, containing an area of 1.10 acres, more or less, and more particularly described as "Area A" in Exhibit "A", attached hereto and made a part hereof, and on Land Zoning Map No. L-1527, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof, and subject to the Conditions set forth in Exhibit "B".

SECTION 2. Pursuant to Chapters 19.15 and 19.510, Maui County Code, a change in zoning from Interim District to Public/Quasi-Public (Conditional Zoning) is hereby granted for that certain real property situated at Paia, Maui, Hawaii, and identified for real property tax purposes as a portion of tax map key (2) 2-5-005:063, containing an area of 2.93 acres, more or less, and more particularly described as "Area B" in Exhibit "A", attached hereto and made a

part hereof, and on Land Zoning Map No. L-1527, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 3. Pursuant to Section 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the conditions set forth in Exhibit "B", attached hereto and made a part hereof, and the Unilateral Agreement and Declaration of Conditional Zoning attached hereto and made a part hereof as Exhibit "C".

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:

/s/ Michael J. Hopper
MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui
2019-0101/2020-0328
PSLU-8 2020-05-08 Ord Paia Courtyard CIZ

EXHBIT "A"

AREA A

LOT A-1-A

PAIA POST OFFICE SUBDIVISION

AT HAMAKUAPOKO AND HALIIMAILE, MAKAWAO, MAUI, HAWAII

BEING A PORTION OF THE LAND DEEDED BY THE
BOARD OF EDUCATION TO THE TRUSTEES OF OAHU COLLEGE,

DATED: JANUARY 30, 1860 RECORDED IN LIBER 12,

PAGE 403 AND ROYAL PATENT 7512

Beginning at the West corner of this Area, being also the West corner of Lot A-1-A, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU NENE 2" being 5,493.68 feet North and 5,823.42 feet East and running by azimuths measured clockwise from True South:

1. 65° 48' 113.00 feet along Lot A-2;
2. 155° 47' 50" 461.90 feet along Area B;
3. 274° 29' 104.85 feet along Area D;
4. Thence, along Baldwin Avenue on a curve to the right with a
 radius of 327.10 feet, the radial
 azimuth to the point of curve
 being 225° 08' 50" and the radial
 azimuth to the point of tangent
 being 245° 47' 50", the chord
 azimuth and distance being:

 325° 28' 20" 117.25 feet;

5. 335° 47' 50" 296.22 feet along Lot A-1-D (Roadway Widening Lot) to the point of beginning and containing an area of 1.102 Acre.



R. T. TANAKA ENGINEERS, INC.

A handwritten signature in cursive script, appearing to read "Kirk T. Tanaka".

Kirk T. Tanaka
Licensed Professional Land Surveyor
Certificate No. 7223

License Expires: April 30, 2018
871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

February 14, 2017

AREA B

LOT A-1-A

PAIA POST OFFICE SUBDIVISION

AT HAMAKUAPOKO AND HALIIMAILE, MAKAWAO, MAUI, HAWAII

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DATED: JANUARY 30, 1860 RECORDED IN LIBER 12,

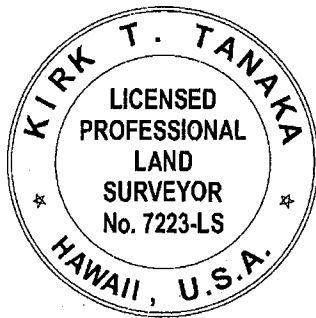
PAGE 403 AND ROYAL PATENT 7512

Beginning at the Northwest corner of this Area, being also the Northeast corner of Area C, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU NENE 2" being 5,926.58 feet North and 5,307.35 feet East and running by azimuths measured clockwise from True South:

1. 276° 00' 116.65 feet along Lots 35 and 36, Tavares Tract;
2. 287° 00' 81.77 feet along Lot 36, Tavares Tract and Area D;
3. 37° 25' 23.18 feet along Area D;
4. 274° 29' 43.64 feet along Area D;
5. 335° 47' 50" 461.90 feet along Area A;
6. 65° 48' 277.21 feet along Lot A-2 and Area C;

7. 164° 53'

614.10 feet along Area C to the point of beginning and containing an area of 2.933 Acre.



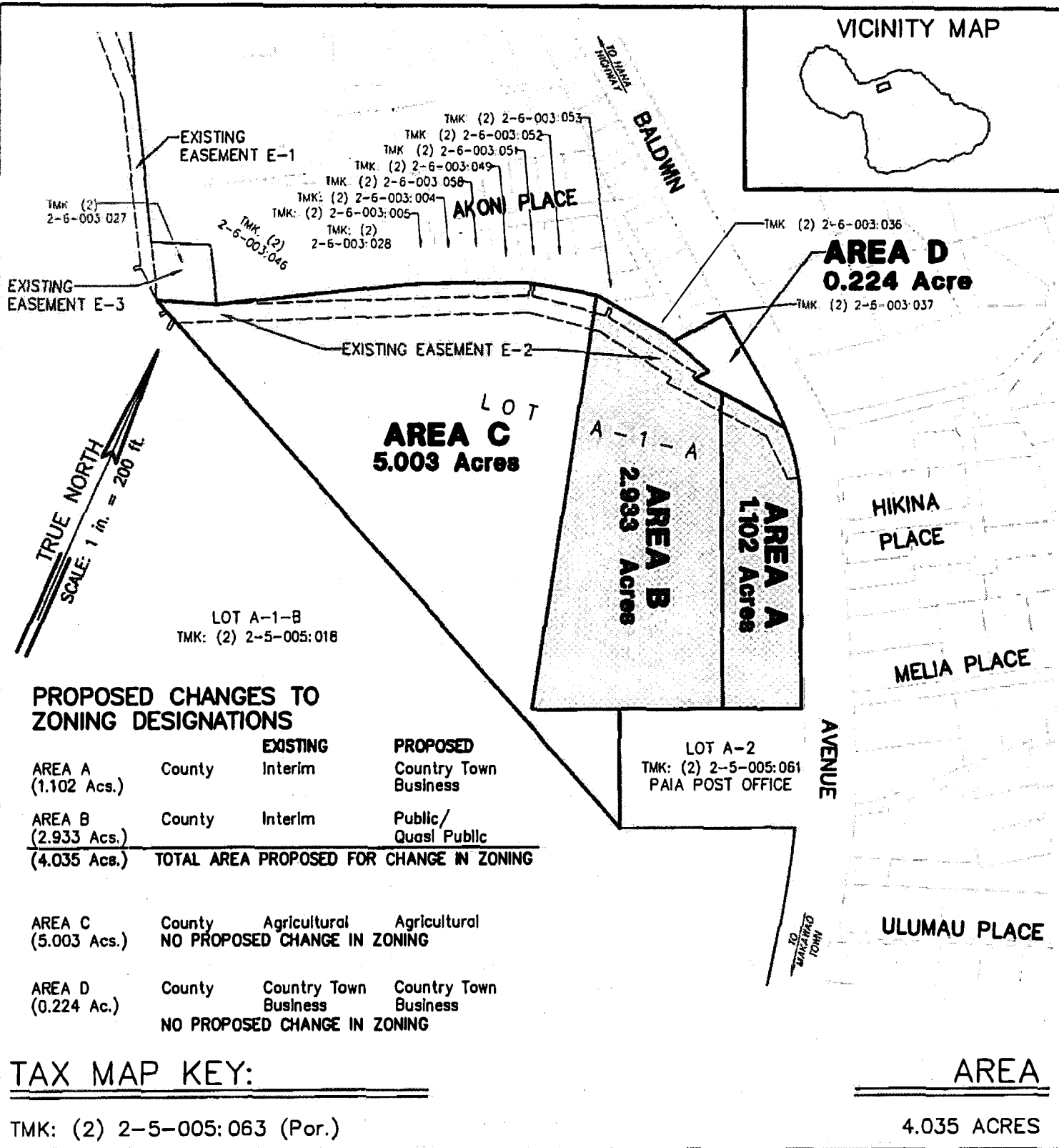
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February 14, 2017

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Licensed Professional Land Surveyor
Certificate No. 7223
License Expires: April 30, 2018



LAND ZONING MAP NO.1527

CHANGE IN ZONING - PAIA, MAKAWAO, MAUI, HAWAII

EXHIBIT "B"

CONDITIONS OF ZONING

1. As represented to the Maui County Council, Paia 2020, LLC and the David R. Spee Revocable Trust shall offer to dedicate the property designated as "Area B" in Exhibit "A" attached hereto to the County of Maui at no cost to the County.

ORDINANCE NO. _____

BILL NO. _____ (2020)

A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE
DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN
FOR PROPERTY SITUATED AT PAIA, MAUI, HAWAII
TAX MAP KEY (2) 2-5-005:063 (POR.)

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

SECTION 1. Pursuant to Section 205-3.1, Hawaii Revised Statutes, and Chapter 19.68, Maui County Code, the State Land Use District classification is reclassified from Agricultural to Urban for that certain real property situated at Paia, Maui, Hawaii, and identified for real property tax purposes as a portion of tax map key (2) 2-5-005:063, comprising approximately 1.10 acres, and more particularly described as "Area A" in Exhibit "A", attached hereto and made a part hereof, and on District Boundary Amendment Map No. DB-718, 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. Pursuant to Section 205-3.1, Hawaii Revised Statutes, and Chapter 19.68, Maui County Code, the State Land Use District classification is reclassified from Agricultural to Urban for that certain real property situated at Paia, Maui, Hawaii, and identified for real property tax purposes as a portion of tax map key (2) 2-5-005:063, comprising approximately 2.93 acres, and more particularly described as "Area B" in Exhibit "A", attached hereto and made a part hereof, and on District Boundary Amendment Map No. DB-718, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:

/s/Michael J. Hopper

MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui
2020-0328
2020-04-29 Ord Paia Courtyard DBA

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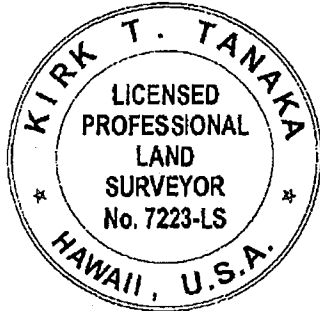
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4. Thence, along Baldwin Avenue on a curve to the right with a radius of 327.10 feet, the radial azimuth to the point of curve being 225° 08' 50" and the radial azimuth to the point of tangent being 245° 47' 50", the chord azimuth and distance being:
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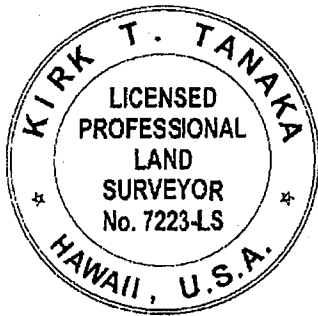
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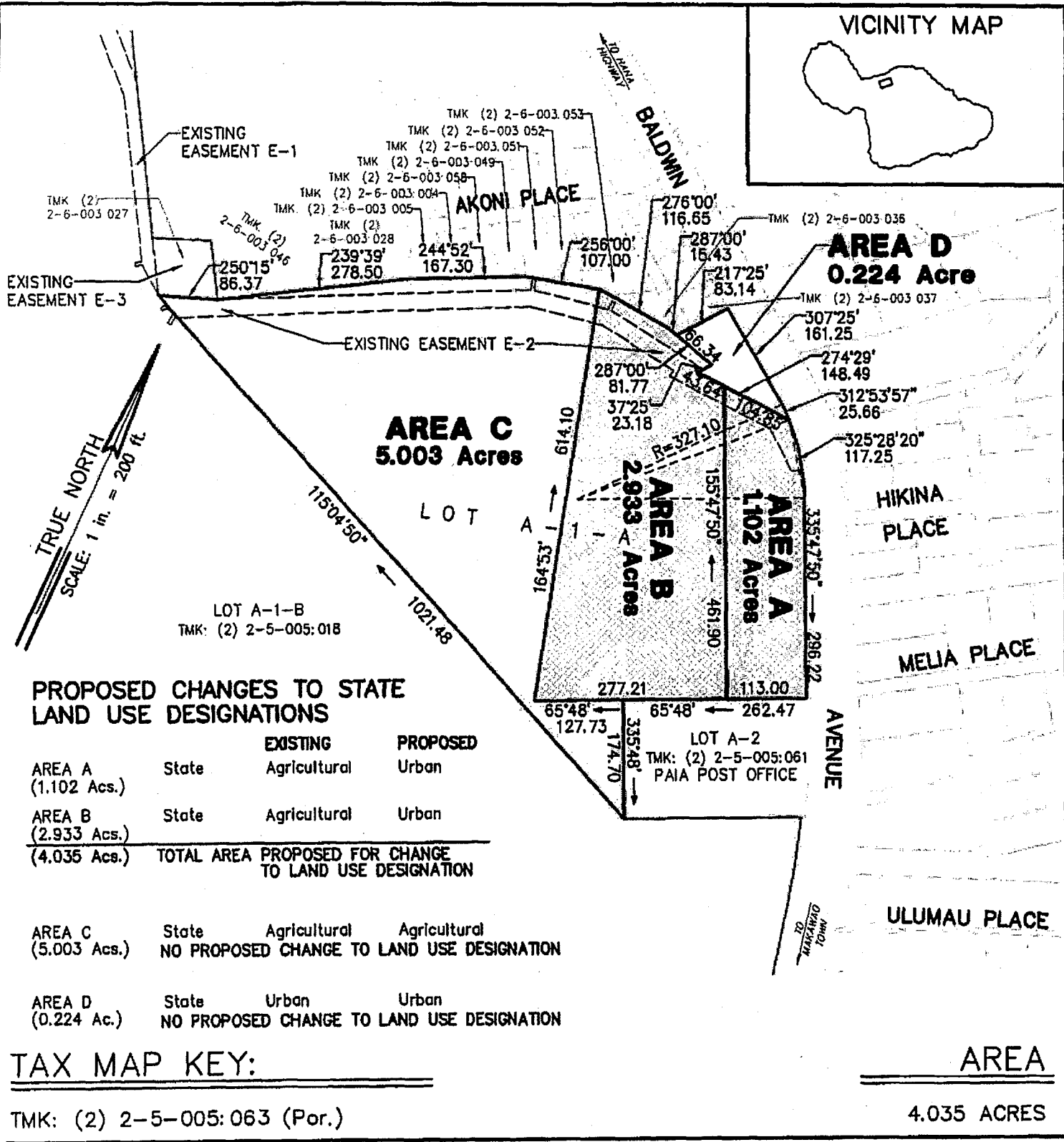
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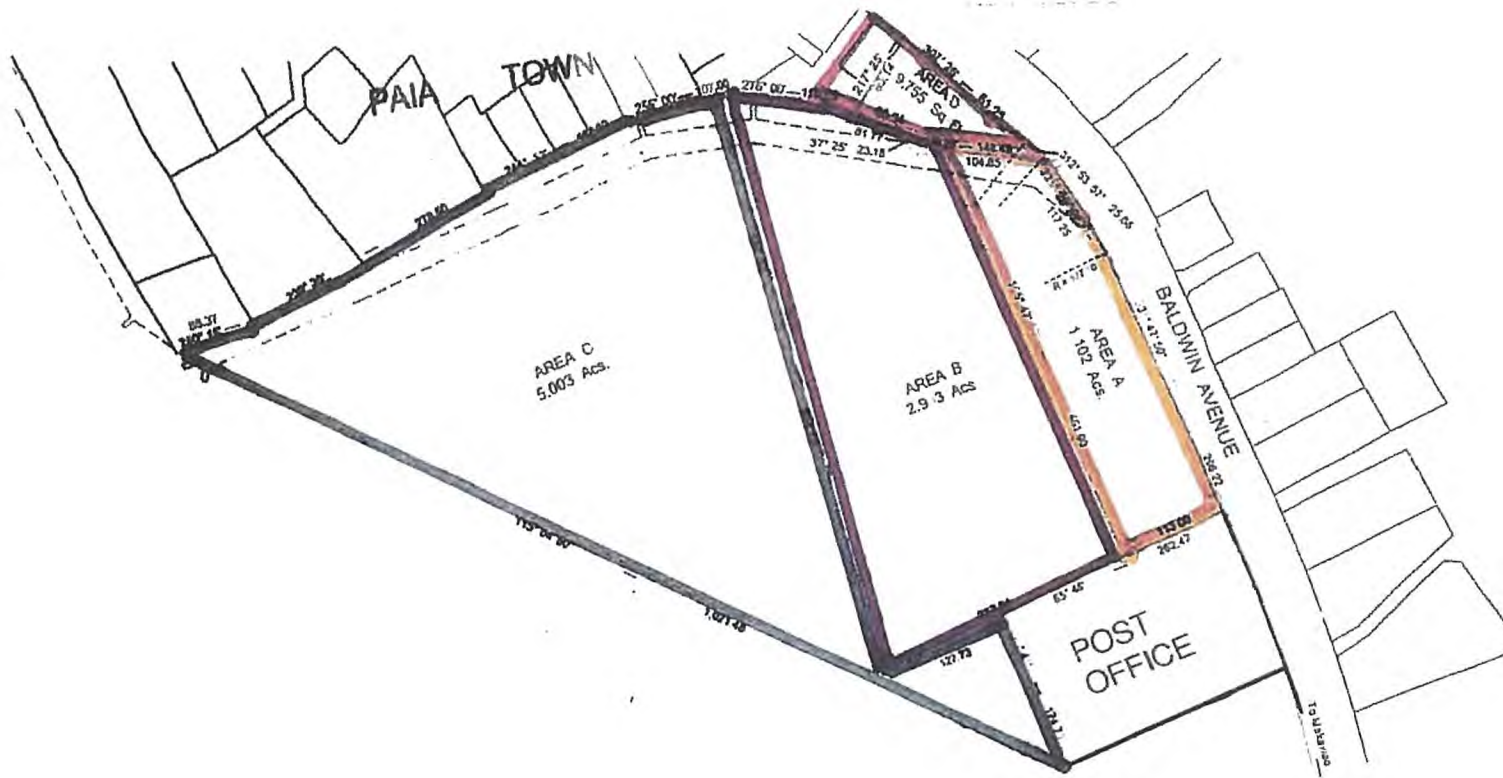
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\\fs01-sheriff\dept\1-24\Apoth\Documents\DRAWING\2019\19-011-2019-02-14 PPGS LATE USE EMPOWERING STATE LAND MAP 2019.dwg



STATE LAND USE DISTRICT BOUNDARY AMENDMENT No. 718

CHANGE IN ZONING — PAIA, MAKAWAO, MAUI, HAWAII



EXISTING COMMUNITY PLAN DESIGNATIONS

AREA A: BUSINESS / COMMERCIAL (B)

AREA B: PUBLIC / QUASI-PUBLIC (P)

AREA C: AGRICULTURE (AG)

AREA D: BUSINESS / COMMERCIAL (B)

PAIA 2020

TMK No. (2) 2-5-005:063

9.038 Acs.