

PSLU Committee

From: Melody Andrion <Melody.Andrion@co.maui.hi.us>
Sent: Monday, June 29, 2020 4:45 PM
To: PSLU Committee
Cc: Michael Hopper; Ana L. Lillis; Richard E. Mitchell
Subject: Proposed Paia Courtyard Project (PSLU-8)
Attachments: PSLU-8 2020-06-25 RFLS Closing Paia Courtyard Project.pdf

Attached e-signed by Michael Hopper the revised CIZ ordinance for the subject matter.

NOTICE: The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of, the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you.

REQUEST FOR LEGAL SERVICES

RECEIVED

By Dept. of the Corporation Counsel at 12:02 pm, Jun 25, 2020

Date: June 25, 2020

From: Tamara Paltin, Chair

Planning and Sustainable Land Use Committee

TRANSMITTAL


Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Michael Hopper, Esq.

Subject: **DISTRICT BOUNDARY AMENDMENT, COMMUNITY PLAN AMENDMENT, AND CHANGE IN ZONING FOR THE PROPOSED PAIA COURTYARD PROJECT (PSLU-8)**

Background Data: Please review the attached proposed bill and, if appropriate, approve it as to form and legality. Please review the substantially revised Unilateral Agreement and determine if the document can be approved as to form and legality once signed and notarized by the applicant. If revisions are required, please e-mail a Word document with track changes.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY

☐ OTHER:

Requestor's signature  Tamara Paltin	Contact Person <u>Richard E. Mitchell or Ana Lillis</u> (Telephone: 270-7662 or 270-7660, respectively)
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☐ ROUTINE (WITHIN 15 WORKING DAYS) ☐ RUSH (WITHIN 5 WORKING DAYS)
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): June 30, 2020

REASON: For posting on July 2, 2020 for the July 10, 2020 Council meeting agenda

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: MJH	ASSIGNMENT NO. 2019-0101	BY: maa
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TO REQUESTOR: ☒ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date 06/29/2020

By /s/Michael J. Hopper

(Rev. 7/03)

pslu:ltr:08acc02:alkl

Attachments

ORDINANCE NO. _____

BILL NO. _____ (2020)

A BILL FOR AN ORDINANCE TO CHANGE ZONING
FROM INTERIM DISTRICT TO B-CT COUNTRY TOWN BUSINESS DISTRICT
AND 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. In accordance with 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 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," which is attached and incorporated into this ordinance, and on Land Zoning Map 1527, which is on file in the Office of the County Clerk of the County of Maui and incorporated by reference into this ordinance, and subject to the conditions established in Exhibit "B."

SECTION 2. In accordance with Chapters 19.15 and 19.510, Maui County Code, a change in zoning from Interim District to Public/Quasi-Public (conditional zoning) is 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," which is incorporated into

this ordinance, and on Land Zoning Map 1527, which is on file in the Office of the County Clerk of the County of Maui and incorporated by reference into this ordinance, and subject to the conditions established in Exhibit "B."

SECTION 3. In accordance with Section 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the conditions established in Exhibit "B," which is incorporated into this ordinance, and the Unilateral Agreement and Declaration of Conditional Zoning, which is attached and incorporated into this ordinance as Exhibit "C."

SECTION 4. This ordinance takes effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:

/s/Michael J. Hopper

Department of the Corporation Counsel
County of Maui

pslu:misc:008abil01

EXHIBIT "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,

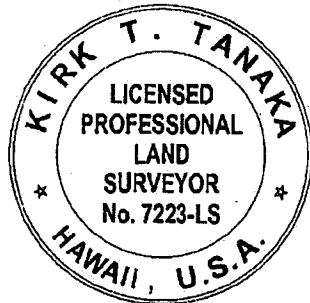
PAGE 403 AND ROYAL PATENT 7512

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

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 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.



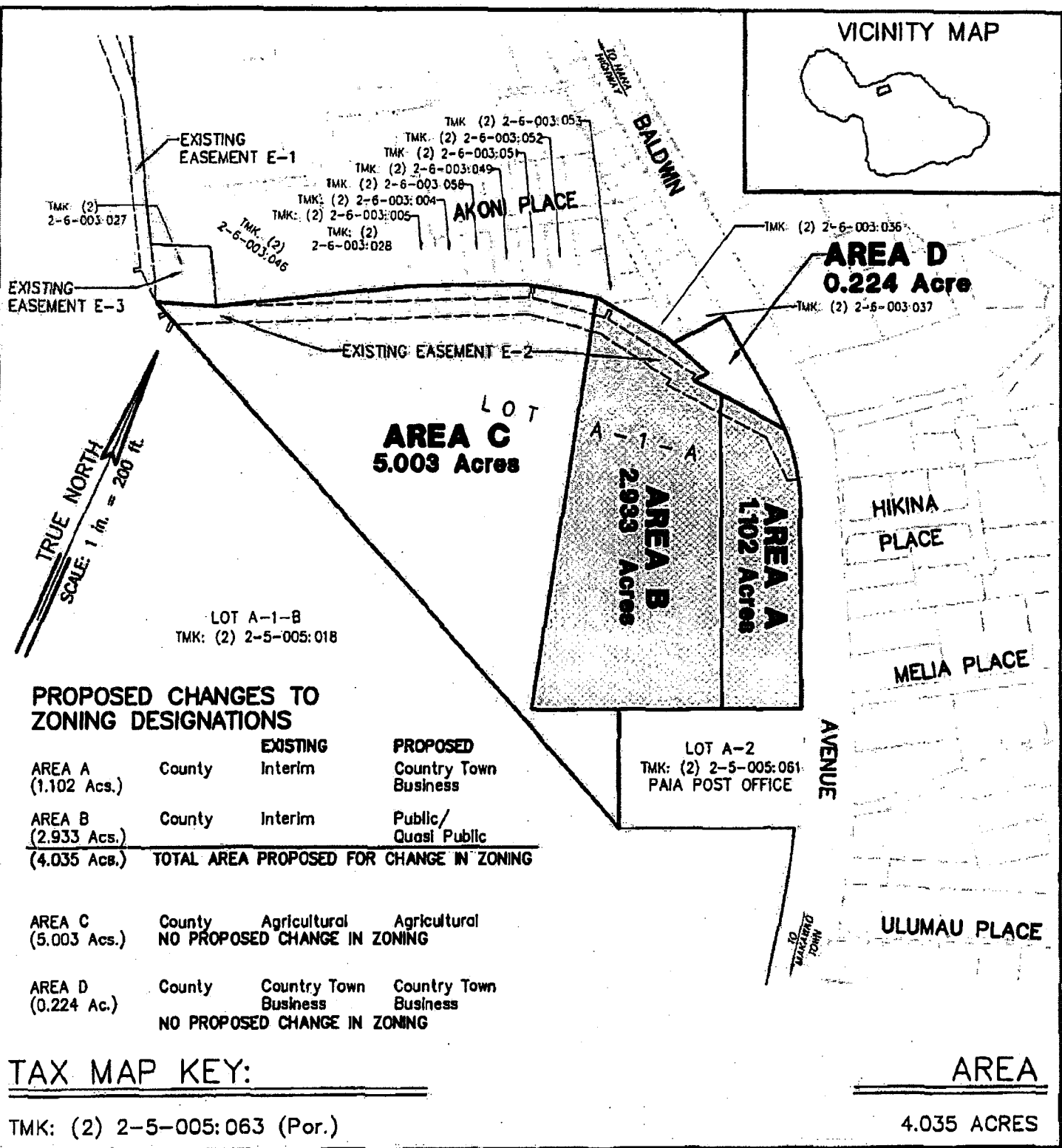
871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

February 14, 2017

R. T. TANAKA ENGINEERS, INC.

A handwritten signature in cursive script, appearing to read "Kirk T. Tanaka", written over a horizontal line.

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



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.
2. Paia 2020, LLC and the David R. Spee Revocable Trust must develop the Property in substantial compliance with the submittals and representations made by Paia 2020, LLC and the David R. Spee Revocable Trust to the Maui County Council and the Council's Planning and Sustainable Land Use Committee in its approval of the subject change in zoning. Failure to develop "Area A" in Exhibit "A" in accordance with such submittals and representations may result in enforcement, including reversion of the "Area A" in Exhibit "A" to its former zoning.