

COUNCIL OF THE COUNTY OF MAUI

PARKS AND AGRICULTURE COMMITTEE

July 27, 2004

Committee
Report No.

04-119

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

Chair and Members:

Your Parks and Agriculture Committee, having met on July 8, 2004 (site inspection and meeting), makes reference to County Communication No. 04-63, from the Director of Parks and Recreation, transmitting a proposed resolution entitled "APPROVING THE WAIVER OF CERTAIN PARK REQUIREMENTS FOR A PRIVATELY OWNED PARK PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE, FOR THE NORTH SHORE VILLAGE SUBDIVISION".

The purpose of the proposed resolution is to approve the waiver of the requirements to provide comfort stations (public restrooms) and parking for a privately owned and maintained park, comprising approximately 8,094.5 square feet in the North Shore Village Subdivision in Paia (TMK No. 2-6-05:007, 008 and 009).

Your Committee notes that KRS Development, Inc., the developer of the North Shore Village Subdivision, recorded a Unilateral Agreement for a privately owned and maintained park in May 2003. Their request for a waiver of comfort stations and parking in the park is supported by the Director of Parks and Recreation, the Planning Director, and the Director of Public Works and Environmental Management. Their comments are included as Exhibits "B", "C", and "D", respectively, to the proposed resolution.

At its site inspection, your Committee met with the Deputy Director of Parks and Recreation; Michele McLean, Land Use Planner, KRS Development, Inc.; David Goode, Vice-President of Development Operations, KRS Development, Inc.; and a Deputy Corporation Counsel.

Ms. McLean provided a brief overview of the park and pointed out the park's boundaries.

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Your Committee received oral testimony from three people, who reside in the North Shore Village Subdivision, in support of the park and waiver of park requirements.

Your Committee deferred action on this matter pending further discussion.

At its meeting, your Committee met with the Deputy Director of Parks and Recreation and a Deputy Corporation Counsel.

Your Committee received public testimony from three individuals in support of the park and the proposed resolution. One testifier, who owns a unit in the subdivision and is a board member of the homeowner's association, stated that having comfort stations would invite unwanted guests and cause additional problems. Another individual, who lives in the neighboring area, opposed waiving the parking requirement. He noted that the subdivision is not fully occupied and lacks adequate parking. The last testifier, who resides in the subdivision, preferred to have the park available to residents only, rather than open to the public, and raised safety concerns for children playing at the park.

The Deputy Director of Parks and Recreation explained that comfort stations would substantially reduce the size of the park. He noted that the majority of the park users would be residents of the subdivision who can utilize their own facilities instead of public facilities. In addition, the bathrooms would obstruct the parents' view of their children while at play in the park.

Ms. McLean informed your Committee that because the amount of land available for a park was 2,400 square feet less than the requirement under Subsection 18.16.320 of the Maui County Code, a combination of land and a cash contribution of \$14,433 were made to comply with the in-lieu payment and parkland requirement.

Your Committee noted that the ultimate goal of the Department of Parks and Recreation is to provide adequate recreational space. Subsection 18.16.320 of the Maui County Code, relating to parks and playgrounds, and known as the "Park Dedication Ordinance", was established to ensure sufficient park space for all sizes of parks, even pocket parks in neighborhoods, as in this case.

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Your Committee voted to recommend adoption of the proposed resolution and filing of the communication.

Your Parks and Agriculture Committee RECOMMENDS the following:

1. That Resolution No. _____, attached hereto, entitled "APPROVING THE WAIVER OF CERTAIN PARK REQUIREMENTS FOR A PRIVATELY OWNED PARK PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE, FOR THE NORTH SHORE VILLAGE SUBDIVISION" be ADOPTED; and
2. That County Communication No. 04-63 be FILED.

Adoption of this report is respectfully requested.

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JO ANNE JOHNSON Chair

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ROBERT CARROLL Vice-Chair

CHARMAINE TAVARES Member

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