

COUNCIL OF THE COUNTY OF MAUI

**ECONOMIC DEVELOPMENT, AGRICULTURE,
AND RECREATION COMMITTEE**

December 4, 2009

Committee
Report No. _____

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

Chair and Members:

Your Economic Development, Agriculture, and Recreation Committee, having met on November 5, 2009 (site inspection) and November 19, 2009, makes reference to County Communication No. 09-215, from the Director of Parks and Recreation, transmitting a proposed resolution entitled “APPROVING THE WAIVER OF CERTAIN PARK REQUIREMENTS FOR A PRIVATELY OWNED AND MAINTAINED PARK PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE, FOR THE KAMALI’I ALAYNA SUBDIVISION, KIHEI, MAUI, HAWAII”.

The purpose of the proposed resolution is to waive the comfort station requirement for Waipuilani Associates, LLC’s privately-owned and maintained park located directly across from 87 Oluea Street, Kihei, in the Kamali’i Alayna Subdivision, pursuant to Section 18.16.320(E)(5), Maui County Code.

Your Committee notes that Section 18.16.320(E)(5), Maui County Code, states: “The subdivider shall improve the site with lot grading, grass planting, automatic irrigation, parking areas, adequate drainage, and comfort stations; provided, that the council may waive any of these requirements if the director of parks and recreation determines that such improvements are available nearby, are impractical, or are unnecessary”.

According to the Director of Parks and Recreation, the Department supports the waiver of the comfort station. The Department considers a comfort station for this park to be unnecessary because the primary users of the park will be residents of the subdivision within which the park is located.

Your Committee inspected the site and noted the landscaping and park amenities such as parking, picnic tables, and playground equipment. Your Committee discussed the overall utility of the park and expressed support for waiving the requirement of a comfort station.

COUNCIL OF THE COUNTY OF MAUI
**ECONOMIC DEVELOPMENT, AGRICULTURE,
AND RECREATION COMMITTEE**

December 4, 2009
Page 2

Committee
Report No. _____

Your Committee voted 5-0 to recommend adoption of the proposed resolution and filing of the communication. Committee Chair Johnson, Vice-Chair Kaho`ohalahala, and members Baisa, Molina and Pontanilla voted "aye".

Your Economic Development, Agriculture, and Recreation Committee RECOMMENDS the following:

1. That Resolution No. _____, attached hereto, entitled "APPROVING THE WAIVER OF CERTAIN PARK REQUIREMENTS FOR A PRIVATELY OWNED AND MAINTAINED PARK PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE, FOR THE KAMALI'I ALAYNA SUBDIVISION, KIHAI, MAUI, HAWAII", be ADOPTED; and
2. That County Communication No. 09-215 be FILED.

This report is submitted in accordance with Rule 7 of the Rules of the Council.



JO ANNE JOHNSON, Chair

Resolution

No. _____

APPROVING THE WAIVER OF CERTAIN PARK REQUIREMENTS FOR A PRIVATELY OWNED AND MAINTAINED PARK PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE, FOR THE KAMALI'I ALAYNA SUBDIVISION, KIHEI, MAUI, HAWAII

WHEREAS, WAIPUILANI ASSOCIATES, LLC ("Waipuilani") is the developer of a subdivision known as Kamali'i Alayna Subdivision situate at Kihei, Maui, Hawaii; and

WHEREAS, pursuant to Section 18.16.320, Maui County Code ("MCC"), as a condition of subdivision approval, Waipuilani is required to provide land in perpetuity for park and playground purposes; and

WHEREAS, Waipuilani has proposed a privately owned and maintained park comprising approximately 36,072 square feet as shown and depicted on Exhibit "A", attached hereto and made a part hereof, to satisfy, in part, its obligation under Section 18.16.320, MCC; and

WHEREAS, Waipuilani has requested that the requirement to provide comfort stations, as set forth in Section 18.16.320(E)(5), MCC, be waived; and

WHEREAS, pursuant to Section 18.16.320(E)(5), MCC, the Council, by resolution, may waive the requirement to provide comfort stations; and

WHEREAS, the Director of Parks and Recreation has recommended approval of Waipuilani's request for the subject waiver, a copy of said recommendation letter being attached hereto and made a part hereof as Exhibit "B"; now, therefore,

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


1. That pursuant to Section 18.16.320(E)(5), MCC, the Council hereby waives the requirement to provide comfort stations for Waipuilani's privately owned and maintained park in the Kamali'i Alayna Subdivision; and

2. That it does hereby authorize the Mayor of the County of Maui, or the Mayor's duly authorized representative, to execute all necessary documents associated with the waiver herein approved; and

Resolution No. _____

3. That certified copies of this resolution be transmitted to the Mayor of the County of Maui, the Director of Parks and Recreation, and Waipuilani.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

S:\ALL\MJH\RESOS\Waipuilani Associates Waiver.wpd

739 Sq.Ft.

PHASE II IMPROVEMENTS

LAWN

EXHIBIT 'A'









LAWN

PLAY AREA
2500 S.F.

SWINGSET
PLAY EQUIPMENT

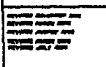
FALL ZONE
ADA PICNIC TABLE & CONCRETE PAD
ADA PATH

LANDSCAPE LEGEND

-  MONKEY POD
-  NORFOLK PINE
-  HAWAIIAN KOU (2" cal-6'-0" ht.)
-  KUKUI, MILO & TECOMA
-  PATHWAY LIGHT
-  HIBISCUS HEDGE
-  CONCRETE ADA PATH AND PAD
-  ROOTBARRIER



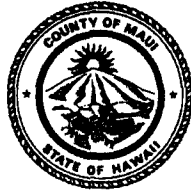
KAMALI ALAYNA
KURE, MAUI, HAWAII



SCALE 1" = 40'

PARK PLAN

ALAN M. ARAKAWA
Mayor



GLENN T. CORREA
Director

JOHN L. BUCK III
Deputy Director

(808) 270-7230
Fax (808) 270-7934

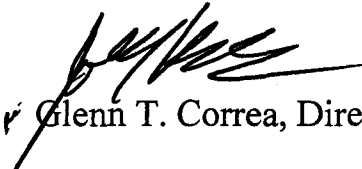
DEPARTMENT OF PARKS & RECREATION

700 Hali'a Nako'a Street, Unit 2, Wailuku, Hawaii 96793

MEMORANDUM

December 5, 2006

MEMO TO: FILE

FROM:  Glenn T. Correa, Director

SUBJECT: KAMALI'I ALAYNA SUBDIVISION
TMK: (2) 3-9-001:009, KIHEI
SUBDIVISION NO. 3.2031 & NO. 3.2161

This memo confirms our Department's support of the request made by Betsill Brothers Construction, Inc. for a waiver of the comfort station requirements for the park within the Kamali'i Alayna subdivision. The subject park will be privately owned and maintained by the Kamali'i Alayna subdivision homeowner's association.

Maui County Code, Chapter 18.16.320 Parks and playgrounds E, 5. states: *"The subdivider shall improve the site with lot grading, grass planting, automatic irrigation, parking areas, adequate drainage, and comfort stations; provided, that the council may waive any of these requirements if the director of parks and recreation determines that such improvements are available nearby, are impractical, or are unnecessary;"*

The park site will be improved with grading, grassing, shade trees, automatic irrigation, parking area, adequate drainage, picnic tables, and a tot lot. However, it is the determination of this department that construction of a comfort station is unnecessary as the primary users of the park will be the residents of the subdivision within which the park is located.

c: Patrick Matsui, Chief of Parks Planning and Development

EXHIBIT " B "