

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

August 6, 2010

Committee
Report No. _____

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

Chair and Members:

Your Land Use Committee, having met on July 14, 2010, makes reference to County Communication No. 09-65, from the Planning Director, transmitting comments and recommendations from the Maui Planning Commission on the draft bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.78.070, MAUI COUNTY CODE, TO PROHIBIT TRAFFIC INGRESS AND EGRESS ON KAINANI STREET TO AND FROM THE DEVELOPMENT WITHIN THE MAUI LANI PROJECT DISTRICT". The purpose of the draft bill is to prohibit development within the Maui Lani Project District from connecting to or utilizing Kainani Street as an ingress to or egress from any part of the development.

Your Committee notes that the draft bill was attached to Resolution No. 08-73, entitled "REFERRING TO THE MAUI PLANNING COMMISSION A DRAFT BILL AMENDING SECTION 19.78.070, MAUI COUNTY CODE, TO PROHIBIT TRAFFIC INGRESS AND EGRESS ON KAINANI STREET TO AND FROM THE DEVELOPMENT WITHIN THE MAUI LANI PROJECT DISTRICT", adopted by the Council at its meeting of August 22, 2008.

According to the Department of Planning, "although this prohibition would be placed in the Maui Lani Project District Ordinance, it would affect only the development of the 12.296 acre parcel at TMK 3-8-7:121". Your Committee notes that HRT Realty, LLC (HRT) is the owner of the parcel, which is adjacent to Kainani Street, across from Baldwin High School, and situated within the Maui Lani Project District. HRT is proposing to develop the parcel as a shopping center.

Your Committee notes that the draft bill was intended to address concerns from members of the public, and in particular, the Sand Hills residential community, over traffic from the proposed use of Kainani Street as an entrance and exit for the proposed shopping center development. Your Committee further notes that the Maui Planning Commission recommended that the draft bill be approved.

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Your Committee received a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.78.070, MAUI COUNTY CODE, PERTAINING TO GENERAL STANDARDS OF DEVELOPMENT, TO PROHIBIT TRAFFIC INGRESS AND EGRESS ON KAINANI STREET TO AND FROM THE DEVELOPMENT WITHIN THE MAUI LANI PROJECT DISTRICT", approved as to form and legality by the Department of the Corporation Counsel, incorporating revisions to the title of the bill and a nonsubstantive revision updating the year of the bill.

Erin Mukai, Planner, Munekiyo & Hiraga, Inc., advised your Committee that HRT revised the site plan for the shopping center project to recognize the sensitivity associated with the use of Kainani Street as an access. She stated that "the use of Kainani Street for vehicular access is no longer proposed as part of the project". Instead, HRT's revised site plan now proposes three access points for the shopping center via Kaahumanu Avenue and Maui Lani Parkway. HRT, therefore, has no objection to the proposed bill.

Leiane Paci, Partner, Maui Lani Partners, informed your Committee that the proposed amendment to Section 19.78.070, Maui County Code, would have no impact to future or current Maui Lani Partners' properties.

The Deputy Planning Director noted that, in light of the alternate accesses provided under the revised site plan, the Department has no objections to the proposed bill.

Residents in the area testified that they support the proposed bill to ensure against future changes to the site plan.

Your Committee voted to recommend that the proposed bill be revised to clarify that the prohibition pertains to vehicular ingress or egress.

Your Committee voted 8-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Baisa, Vice-Chair Molina, and members Johnson, Kaho'ohalahala, Medeiros, Nishiki, Pontanilla, and Victorino voted "aye". Committee member Mateo was excused.

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

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Your Land Use Committee RECOMMENDS the following:

1. That Bill No. _____ (2010), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.78.070, MAUI COUNTY CODE, PERTAINING TO GENERAL STANDARDS OF DEVELOPMENT, TO PROHIBIT TRAFFIC INGRESS AND EGRESS ON KAINANI STREET TO AND FROM THE DEVELOPMENT WITHIN THE MAUI LANI PROJECT DISTRICT", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 09-65 be FILED.

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



GLADYS C. BAISA, Chair

ORDINANCE NO. _____

BILL NO. _____ (2010)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.78.070,
MAUI COUNTY CODE, PERTAINING TO GENERAL STANDARDS OF
DEVELOPMENT, TO PROHIBIT TRAFFIC INGRESS AND
EGRESS ON KAINANI STREET TO AND FROM THE DEVELOPMENT
WITHIN THE MAUI LANI PROJECT DISTRICT

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

SECTION 1. Section 19.78.070, Maui County Code, is amended
by amending subsection C to read as follows:

"C. Infrastructure.

1. The development shall not burden
governmental agencies to provide substantial
infrastructure improvements; [and]

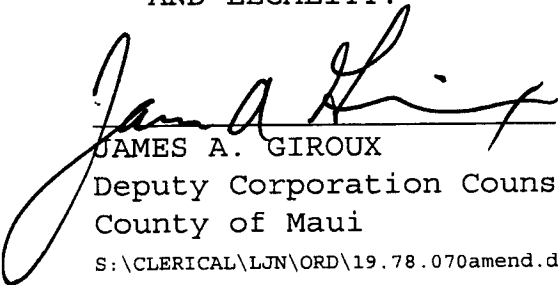
2. Individual residential lots shall not
have direct access onto major arterials (minimum
eighty-foot right-of-way) and shall be minimized
on major streets (minimum fifty-six-foot right-
of-way); and

3. The development shall not connect to or
utilize Kainani Street, Wailuku, as a vehicular
ingress or egress into any part of the
development."

SECTION 2. Material to be repealed is bracketed. New
material is underscored. In printing this bill, the County
Clerk need not include the brackets, the bracketed material, or
the underscoring.

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

APPROVED AS TO FORM
AND LEGALITY:



JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui
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