

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

December 3, 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 November 17, 2010, makes reference to County Communication No. 10-234, from Council Vice-Chair Michael J. Molina, transmitting a draft resolution entitled “REFERRING TO THE MAUI PLANNING COMMISSION DRAFT BILLS TO, RESPECTIVELY, ENACT A COMMUNITY PLAN AMENDMENT AND A CHANGE IN ZONING FOR PROPERTY SITUATED AT 297 BALDWIN AVENUE, PAIA, MAUI, HAWAII, FOR THE PROPOSED HERITAGE HALL”.

The purpose of the draft resolution is to refer the draft bills, which are attached as exhibits to the draft resolution, to the Maui Planning Commission, entitled as follows:

1. “A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM HEAVY INDUSTRIAL TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT 297 BALDWIN AVENUE, PAIA, MAUI, HAWAII, FOR THE PROPOSED HERITAGE HALL” (Community Plan Amendment bill).

The purpose of the draft Community Plan Amendment bill is to amend the Paia-Haiku Community Plan from Heavy Industrial to Public/Quasi-Public for approximately 29,628 square feet of property situated at 297 Baldwin Avenue, Paia, Maui, Hawaii, identified as TMK: (2) 2-5-06:019 (“subject property”) to allow for the development of a proposed multipurpose cultural and community center and office complex to be known as Heritage Hall.

2. “A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM URBAN RESERVE DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT 297 BALDWIN AVENUE, PAIA, MAUI, HAWAII, FOR THE PROPOSED HERITAGE HALL” (Change in Zoning bill).

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The purpose of the draft Change in Zoning bill is to change the zoning from Urban Reserve District to P-1 Public/Quasi-Public District for the subject property to allow for the development of the proposed Heritage Hall project.

Your Committee received a proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Committee notes that, according to the County Communication, the project is being proposed by Heritage Hall, Inc., a partnership between the Maui Puerto Rican Association and the Portuguese Association of Maui, and will honor the history and culture of Portuguese and Puerto Rican immigrants to Maui. The County Communication further notes that the proposed project includes the construction of two structures totaling approximately 5,596 square feet, which will house a social hall, kitchen, cultural resource center, offices, conference rooms, classrooms, and related amenities.

According to Karlynn Fukuda, Principal, Munekiyo & Hiraga, Inc., the Maui Planning Commission issued a Finding of No Significant Impact for the project in August 2010. The 30-day legal challenge period for the Final Environmental Assessment ended on October 8, 2010, with no legal challenge having been filed.

Your Committee voted 8-0 to recommend adoption of the proposed resolution and filing of the communication. Committee Chair Baisa, Vice-Chair Molina, and members Johnson, Kaho`ohalahala, Mateo, Medeiros, Nishiki, and Pontanilla voted "aye". Committee member Victorino was excused.

Your Land Use Committee RECOMMENDS the following:

1. That Resolution No. _____, as revised herein and attached hereto, entitled "REFERRING TO THE MAUI PLANNING COMMISSION DRAFT BILLS TO, RESPECTIVELY, ENACT A COMMUNITY PLAN AMENDMENT AND A CHANGE IN ZONING FOR PROPERTY SITUATED AT 297 BALDWIN AVENUE, PAIA, MAUI, HAWAII, FOR THE PROPOSED HERITAGE HALL", be ADOPTED; and

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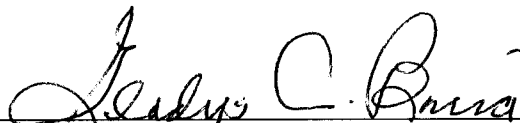
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2. That County Communication No. 10-234 be FILED.

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



GLADYS C. BANSA, Chair

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Resolution

No. _____

REFERRING TO THE MAUI PLANNING COMMISSION DRAFT BILLS TO, RESPECTIVELY, ENACT A COMMUNITY PLAN AMENDMENT AND A CHANGE IN ZONING FOR PROPERTY SITUATED AT 297 BALDWIN AVENUE, PAIA, MAUI, HAWAII, FOR THE PROPOSED HERITAGE HALL

WHEREAS, the Council is considering a Community Plan Amendment from Heavy Industrial to Public/Quasi-Public for approximately 29,628 square feet of property situated at 297 Baldwin Avenue, Paia, Maui, Hawaii, identified for real property tax purposes by Tax Map Key Number: (2)2-5-006:019 (the "subject property"); and

WHEREAS, the Council is considering a Change in Zoning from Urban Reserve District to P-1 Public/Quasi-Public District for the subject property; 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 commission review proposed land use ordinances and amendments to the General Plan and provide findings and recommendations to the Council; now, therefore,

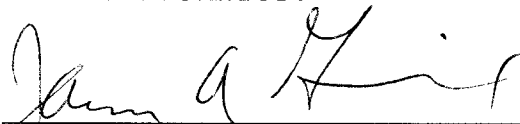
BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby refers the draft bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM HEAVY INDUSTRIAL TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT 297 BALDWIN AVENUE, PAIA, MAUI, HAWAII, FOR THE PROPOSED HERITAGE HALL", attached hereto as Exhibit "1" and made a part hereof, to the Maui Planning Commission pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and

Resolution No. _____

2. That it hereby refers the draft bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM URBAN RESERVE DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT 297 BALDWIN AVENUE, PAIA, MAUI, HAWAII, FOR THE PROPOSED HERITAGE HALL", attached hereto as Exhibit "2" and made a part hereof, to the Maui Planning Commission pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and
3. That it respectfully requests that the Maui Planning Commission transmit its findings and recommendations to the Council as expeditiously as possible; and
4. 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:



JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

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ORDINANCE NO. _____

BILL NO. _____ (2010)

A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM HEAVY INDUSTRIAL TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT 297 BALDWIN AVENUE, PAIA, MAUI, HAWAII, FOR THE PROPOSED HERITAGE HALL

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Paia-Haiku Community Plan and Land Use Map is hereby amended from Heavy Industrial to Public/Quasi-Public for property situated at 297 Baldwin Avenue, Paia, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2)2-5-006:019, comprising approximately 29,628 square feet, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Community Plan Amendment Map No. CP-_____, 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. 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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EXHIBIT " 1 "

All of that certain parcel of land (being portions of the land(s) described in and covered by Royal Patent Number 7512, Land Commission Award Number 11216, Apana 27 to M. Kekauonohi) situate, lying and being at Paia, Hamakua, Makawao, Island and County of Maui, State of Hawaii, being a portion of the land Deeded by the Board of Education, dated January 30, 1860, recorded in Liber 11 at Page 400 and thus bounded and described:

Beginning at a pipe at the southerly corner of this lot on the northeasterly boundary of Baldwin Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUUNENE" being 3,069.34 feet north and 7,235.35 feet east and running thence by azimuths measured clockwise from true South:

1.	140° 35'		157.52	feet along the northeasterly boundary of Baldwin Avenue to a pipe;
2.	231° 56'		237.78	feet along land owned by Alexander and Baldwin, Inc. and leased to Kahului Railroad Company to a pipe;
3.	342° 33'		81.31	feet along land owned by Alexander and Baldwin, Inc. to a pipe;
4.	326° 19'		48.20	feet along same to a pipe;
5.	51° 37'		117.06	feet along same to a pipe;
6.	322° 09'	30"	32.00	feet along same to a pipe;
7.	51° 28'	30"	84.57	feet along same to a pipe of beginning and containing an area of 29,628 square feet, more or less.

SUBJECT, HOWEVER, TO:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.
3. Any unrecorded leases and matters arising from or affecting the same.

EXHIBIT "A"

ORDINANCE NO. _____

BILL NO. _____ (2010)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM URBAN RESERVE DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT 297 BALDWIN AVENUE, PAIA, MAUI, HAWAII, FOR THE PROPOSED HERITAGE HALL

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

SECTION 1. Pursuant to Chapters 19.31 and 19.510, Maui County Code, a change in zoning from Urban Reserve District to P-1 Public/Quasi-Public District is hereby granted for that property situated at 297 Baldwin Avenue, Paia, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2)2-5-006:019, comprising approximately 29,628 square feet, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-_____, which is on file at the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. 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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EXHIBIT " 2 "

All of that certain parcel of land (being portions of the land(s) described in and covered by Royal Patent Number 7512, Land Commission Award Number 11216, Apana 27 to M. Kekuaonohi) situate, lying and being at Paia, Hamakua-poko, Makawao, Island and County of Maui, State of Hawaii, being a portion of the land Deeded by the Board of Education, dated January 30, 1860, recorded in Liber 11 at Page 400 and thus bounded and described:

Beginning at a pipe at the southerly corner of this lot on the northeasterly boundary of Baldwin Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUUNENE" being 3,069.34 feet north and 7,235.35 feet east and running thence by azimuths measured clockwise from true South:

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SUBJECT, HOWEVER, TO:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.
3. Any unrecorded leases and matters arising from or affecting the same.

EXHIBIT "A"