

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

October 5, 2012

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 September 5, 2012, makes reference to County Communication 12-92, from the Planning Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AND LAND USE MAP FROM PARK TO SINGLE-FAMILY AND FROM SINGLE FAMILY TO PARK FOR TAX MAP KEY NUMBER (2) 2-3-008:036 (POR.), PUKALANI, MAUI, HAWAII" ("Community Plan Amendment bill").

The purpose of the Community Plan Amendment bill is to grant a request from Munekiyo & Hiraga, Inc., on behalf of KG Maui Development, LLC ("KG Maui"), for a Community Plan Amendment from Park to Single-Family for approximately 4.058 acres, and from Single-Family to Park for approximately 3.784 acres, to allow for the development of a 13-lot single-family residential subdivision known as the Pulelehuakea residential subdivision, located along Aina Lani Drive, Pukalani, Maui, Hawaii ("proposed subdivision").

2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, FROM D-1 DUPLEX DISTRICT TO R-3 RESIDENTIAL DISTRICT, FROM PK-4 PARK DISTRICT TO R-3 RESIDENTIAL DISTRICT, FROM R-1 RESIDENTIAL TO PK-4 PARK DISTRICT, AND FROM R-2 RESIDENTIAL DISTRICT TO PK-4 PARK DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT TAX MAP KEY NO. (2) 2-3-008:036 (POR.), PUKALANI, MAUI, HAWAII" ("Change in Zoning bill").

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The purpose of the Change in Zoning bill is to grant a request from Munekiyo & Hiraga, Inc., on behalf of KG Maui, for a Change in Zoning from R-1 Residential District to R-3 Residential District for approximately 0.245 acre, from D-1 Duplex District to R-3 Residential District for approximately 1.737 acres, from PK-4 Golf Course Park District to R-3 Residential District for approximately 4.021 acres, from R-1 Residential District to PK-4 Golf Course Park District for approximately 7.404 acres, and from R-2 Residential District to PK-4 Golf Course Park District for approximately 0.999 acre, to allow for the proposed subdivision.

Your Committee notes that the properties that are the subject of these land use changes are all portions of a single parcel, TMK: (2) 2-3-008:036.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised Community Plan Amendment bill approved as to form and legality. The revised Community Plan Amendment bill incorporates revised property descriptions to more specifically identify the portions of property subject to each community plan amendment, and nonsubstantive revisions.

At the request of the Chair of your Committee, the Department of the Corporation Counsel also transmitted a revised Change in Zoning bill approved as to form and legality. The revised Change in Zoning bill incorporates revisions to the title to identify the PK-4 Park District as the PK-4 Golf Course Park District, revisions to the property descriptions to more specifically identify the portions of property subject to each change in zoning, and nonsubstantive revisions.

According to Leilani Pulmano, Munekiyo & Hiraga, Inc., the subject properties are located within the Pukalani Country Club Golf Course. The existing land use designations for the property allow for 20 duplex housing units. KG Maui determined that duplex housing was not compatible with the area, given the surrounding single-family homes in the Kulamalu Subdivision. Instead, KG Maui is proposing to develop 13 single-family residential lots on 6 acres, with lots ranging in size from 15,000 to 37,000 square feet.

The project would also establish land use consistency on approximately 8.4 acres of the Pukalani Golf Course that are currently zoned for residential use.

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A representative of the Department of Water Supply advised your Committee that KG Maui has asked to be placed on the water meter list, and is number 1,427 on the list.

Ms. Pulmano confirmed that KG Maui has acknowledged the need to comply with the requirements of Chapter 2.96, Maui County Code, the County's Residential Workforce Housing Policy. However, the way in which compliance will be achieved has not yet been discussed with the Department of Housing and Human Concerns. Your Committee requested that the Department explain how KG Maui would comply with those requirements.

Your Committee voted 7-0 to recommend passage of the revised proposed bills on first reading and filing of the communication. Committee Chair Carroll, Vice-Chair White, and members Baisa, Cochran, Couch, Pontanilla, and Victorino voted "aye". Committee members Hokama and Mateo were excused.

Your Committee is in receipt of an agreement entitled "Unilateral Agreement and Declaration for Conditional Zoning" executed by the property owner and approved as to form and legality by the Department of the Corporation Counsel. Your Committee is also in receipt of revised Community Plan Amendment and Change in Zoning maps, consistent with the revised proposed bills.

Your Land Use Committee RECOMMENDS the following:

1. That Bill _____ (2012), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND THE MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AND LAND USE MAP FROM PARK TO SINGLE-FAMILY AND FROM SINGLE-FAMILY TO PARK FOR TAX MAP KEY NUMBER (2) 2-3-008:036 (POR.), PUKALANI, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill _____ (2012), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, FROM D-1 DUPLEX DISTRICT TO R-3 RESIDENTIAL DISTRICT, FROM PK-4 GOLF COURSE PARK DISTRICT TO R-3 RESIDENTIAL DISTRICT, FROM R-1 RESIDENTIAL DISTRICT TO PK-4 GOLF COURSE PARK DISTRICT, AND FROM

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R-2 RESIDENTIAL DISTRICT TO PK-4 GOLF COURSE PARK DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT TAX MAP KEY NO. (2) 2-3-008:036 (POR.), PUKALANI, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;

3. That the County Clerk RECORD the unilateral agreement; and
4. That County Communication 12-92 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



ROBERT CARROLL, Chair

ORDINANCE NO. _____

BILL NO. _____ (2012)

A BILL FOR AN ORDINANCE TO AMEND THE
MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AND LAND USE MAP
FROM PARK TO SINGLE-FAMILY AND FROM SINGLE-FAMILY
TO PARK FOR TAX MAP KEY NUMBER (2) 2-3-008:036 (POR.),
PUKALANI, MAUI, HAWAII

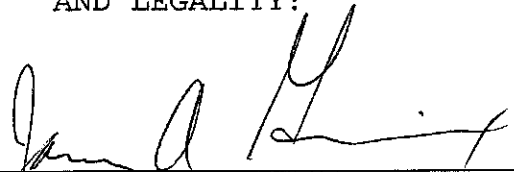
BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Makawao-Pukalani-Kula Community Plan and Land Use Map is hereby amended from Park to Single-Family for property situated at Pukalani, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 2-3-008:036 (por.), comprising approximately 4.058 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Community Plan Map No. CP-616, 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. Pursuant to Chapter 2.80B, Maui County Code, the Makawao-Pukalani-Kula Community Plan and Land Use Map is hereby amended from Single-Family to Park for property situated at Pukalani, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 2-3-008:036 (por.), comprising approximately 3.784 acres, and more particularly described in Exhibit "B", attached hereto and made a part hereof, and in Community Plan Map No. CP-615, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

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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DESCRIPTION

KULAMALU SUBDIVISION
Park (GC) to Single Family (SF)
(for Community Plan Purposes)
Parcel A Excluding Parcel B

Parcel A: Being portions of Grant 1220 to Keawe and Grant 1829, Apana 2 to Keawe situated in Aapueo-nui, Kula, Island and County of Maui, State of Hawaii.

Beginning at the Easterly corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-KOHA" being:

1,494.30 feet North

7,094.25 feet East

and running by azimuths measured clockwise from True South:

1. 40° 00' 385.78 feet along the remainder of Grant 1220 to Keawe;
2. Thence along same on a curve to the right with a radius of 40.00 feet, the chord azimuth and distance being:
63° 30' 31.90 feet;
3. 87° 00' 157.97 feet along same;
4. Thence along same on a curve to the left with a radius of 478.00 feet, the radial azimuth from the beginning of the curve to the radius point being: 307° 22' 58";
the radial azimuth from the radius point to the end of the curve being: 116° 11' 36";
and the chord azimuth and distance being:
31° 47' 17" 93.20 feet;
5. Thence along same on a curve to the right with a radius of 522.00 feet, the radial azimuth from the beginning of the curve to the radius point being: 116° 11' 36";
the radial azimuth from the radius point to the end of the curve being: 298° 51' 09";
and the chord azimuth and distance being:
27° 31' 22.5" 24.22 feet;
6. 101° 22' 46.34 feet along same;

7. Thence along same on a curve to the left with a radius of 478.00 feet, the radial azimuth from the beginning of the curve to the radius point being: 120° 31' 19";
The radial azimuth from the radius point to the end of the curve being: 296° 11' 36";
and the chord azimuth and distance being:
208° 21' 27.5" 36.10 feet;
8. Thence along same on a curve to the right with a radius of 522.00 feet, the radial azimuth from the beginning of the curve to the radius point being: 296° 11' 36";
the radial azimuth from the radius point to the end of the curve being: 125° 21';
and the chord azimuth and distance being:
210° 46' 18" 83.33 feet;
9. 124° 00' 96.50 feet along same;
10. 135° 00' 88.00 feet along same;
11. 141° 00' 38.30 feet along same;
12. 68° 00' 32.00 feet along same;
13. 142° 04' 176.00 feet along the remainders of Grant 1220 to Keawe and Grant 1829, Apana 2 to Keawe;
14. Thence along the remainder of Grant 1829, Apana 2 to Keawe on a curve to the right with a radius of 200.00 feet, the radial azimuth from the beginning of the curve to the radius point being: 287° 34';
and the chord azimuth and distance being:
221° 01' 159.18 feet;
15. 244° 28' 81.93 feet along the remainders of Grant 1829, Apana 2 to Keawe and Grant 1220 to Keawe;
16. 324° 23' 49.06 feet along the remainder of Grant 1220 to Keawe;
17. Thence along same on a curve to the right with a radius of 435.00 feet, , the radial azimuth from the beginning of the curve to the radius point being: 324° 23';
and the chord azimuth and distance being:
238° 41' 30" 65.36 feet;
18. 243° 00' 20.00 feet along same;