

**COUNCIL OF THE COUNTY OF MAUI**  
**LAND USE COMMITTEE**

July 5, 2013

**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 June 19, 2013, makes reference to County Communication 13-174, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL TO B-2 COMMUNITY BUSINESS DISTRICT FOR TAX MAP KEY NUMBER (2) 3-4-008:038, WAILUKU, MAUI, HAWAII".

The purpose of the proposed bill is to grant a request from the Association of Apartment Owners of Wells Street Professional Center for a change in zoning from R-1 Residential District to B-2 Community Business District for approximately 7,568 square feet of property located at TMK: (2) 3-4-008:038, Wailuku, Maui, Hawaii, to allow for the continued use of the property as a parking lot.

Your Committee notes the parking lot use is not a permitted use in the R-1 Residential District. For that reason, the property owner previously obtained a Conditional Permit to authorize the parking lot use. According to the "Maui Planning Department's Report to the Maui Planning Commission March 12, 2013 Meeting" ("Department of Planning's Report"), the previous owner's Conditional Permit for use of the property as a commercial parking lot expired in 2008.

Your Committee further notes Section 19.18.020, Maui County Code, provides that automobile parking lots are permitted uses in the B-2 Community Business District. The Department of Planning's Report explained a change to B-2 Community Business District would also provide conformity with the property's Community Plan designation as Business.

The Department of Planning noted no development is proposed, other than the landowner's plan to add 24 parking stalls by re-striping the lot, for a total of 157 parking stalls. Access to the lot will be moved to Wells Street.

Your Committee voted 6-0 to recommend passage of the proposed bill on first reading, incorporating your Committee's revision to add the word "District" after "R-1

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Residential” in the title of the proposed bill, and filing of the communication. Committee Chair Carroll, Vice-Chair Guzman, and members Baisa, Couch, Crivello, and Victorino voted “aye”. Committee members Cochran, Hokama, and White were excused.

Your Committee is in receipt of a revised proposed bill entitled “A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR TAX MAP KEY NUMBER (2) 3-4-008:038, WAILUKU, MAUI, HAWAII”, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee’s recommended revision.

Your Land Use Committee RECOMMENDS the following:

1. That Bill \_\_\_\_\_ (2013), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR TAX MAP KEY NUMBER (2) 3-4-008:038, WAILUKU, MAUI, HAWAII”, be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 13-174 be FILED.

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

  
\_\_\_\_\_  
ROBERT CARROLL, Chair

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2013)

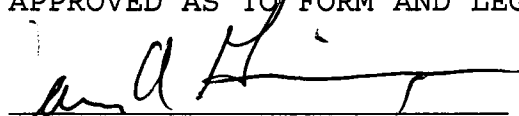
A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM  
R-1 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT  
FOR TAX MAP KEY NUMBER (2) 3-4-008:038, WAILUKU, MAUI, HAWAII

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

SECTION 1. Pursuant to Chapters 19.18 and 19.510, Maui County Code, a change in zoning from R-1 Residential District to B-2 Community Business District is hereby granted for that certain parcel of land situated at Wailuku, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 3-4-008:038, comprising approximately 7,568 square feet, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and as shown in Land Zoning Map No. L-375, 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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## METES AND BOUNDS

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 1996, Land Commission Award Number 420 to Kuihelani) situate, lying and being at Wailuku, Island and County of Maui, State of Hawaii, being LOTS 4 and 5, of the "POMBO TRACT" and thus bounded and described:

Beginning at an iron pin at the southwest corner of Lot 5 of Pombo Tract, Wailuku, Island and County of Maui, State of Hawaii, the coordinates of said point of beginning referred to the U. S. C. & G. S. Triangulation Station "LUKE" being 1,871.26 feet north and 2,299.34 feet west, and running by azimuths measured clockwise from true South:

- |    |     |     |        |  |
|----|-----|-----|--------|--|
| 1. | 174 | 29' | 117.6  | feet along Antone de Rego's Estate to a point;   |
| 2. | 254 | 51' | 65.18  | feet along Frank de Rego's lot to a pipe;  |
| 3. | 354 | 36  | 117.96 | feet along 10 foot road to an iron pin;  |
| 4. | 76  | 00' | 65.0   | feet along Cezar Rodrigues and Joseph Fendercell's properties to point of beginning and containing an area of 7,568 square feet, more or less. |

**EXHIBIT " A "**