

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

BILL NO. \_\_\_\_\_ (2011)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO A-1 APARTMENT DISTRICT, A-2 APARTMENT DISTRICT, R-1 RESIDENTIAL DISTRICT, AND B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING) FOR TAX MAP KEY NUMBERS (2)3-8-004:002 (POR.), (2)3-8-004:022 (POR.), AND (2)3-8-004:030 (POR.), KIHEI, MAUI, HAWAII

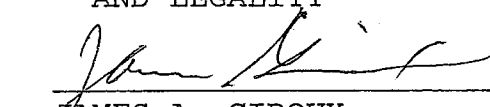
BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.08, 19.12, 19.18, and 19.510, Maui County Code, a change in zoning from Agricultural District to A-1 Apartment District on 52.8 acres, A-2 Apartment District on 15.1 acres, R-1 Residential on 25.0 acres, and B-2 Community Business District on 1.4 acres (Conditional Zoning) is hereby granted for those certain parcels of land situated at Kihei, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Numbers (2)3-8-004:002 (por.), (2)3-8-004:022 (por.), and (2)3-8-004:030 (por), comprising 94.3 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-5114, 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. Pursuant to Section 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the conditions set forth in Exhibit "B", attached hereto and made a part hereof, and the Unilateral Agreement and Declaration for Conditional Zoning, attached hereto and made a part hereof as Exhibit "C".

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

APPROVED AS TO FORM  
AND LEGALITY

  
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JAMES A. GIROUX  
Deputy Corporation Counsel

County of Maui s:\CLERICAL\LJN\ORD\CIZ\38004002.wpd

DESCRIPTION

PETITION AREA

TAX MAP KEY: (2) 3 - 8 - 04: 002 (PORTION),  
022 (PORTION) AND 030 (PORTION)

All of that certain parcel of land, being portions of Lot 4 of the Kaiwahine Street Subdivision and Land Patent Grant 8140, Land Commission Award 5230 to Keaweamahi situated at Pulehu, Kula (Kihei), Wailuku, Island and County of Maui, State of Hawaii

Beginning at a point at the southwesterly corner of this parcel of land, on the northerly side of Piilani Highway [F.A.P. F-RF-031-1(5)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 35,629.29 feet South and 13,341.10 feet East and running by azimuths measured clockwise from True South:

1.	131° 41' 49"	984.17 feet	along the easterly side of Piilani Highway [(F.A.P. No. NH-0900(59))] to a point;
2.	175° 45'	24.39 feet	along the remainder of L. P. 8140, L. C. Aw. 5230 to Keaweamahi to a point;
3.	218° 30'	30.00 feet	along same to a point;
4.	285° 01'	407.10 feet	along same to a point;
5.	280° 02'	242.00 feet	along same to a point;
6.	269° 26'	151.20 feet	along same to a point;
7.	239° 25'	258.75 feet	along same to a point
8.	275° 30'	228.00 feet	along same to a point;
9.	303° 25'	185.00 feet	along same to a point;
10.	278° 40'	140.00 feet	along same to a point;
11.	272° 00'	255.50 feet	along same to a point;
12.	262° 40'	275.00 feet	along same to a point;

**EXHIBIT " A "**

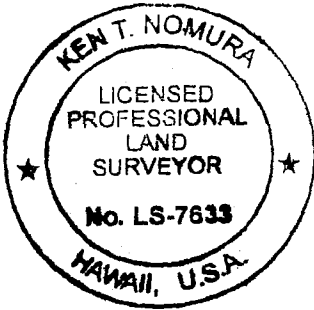
13.	257° 27'	429.00 feet	along same to a point;
14.	275° 32'	139.00 feet	along same to a point;
15.	261° 00'	153.65 feet	along same to a point;
16.	297° 32'	192.00 feet	along same to a point;
17.	290° 25'	420.00 feet	along same to a point;
18.	264° 15'	269.00 feet	along same to a point;
19.	275° 55'	90.00 feet	along same to a point;
20.	294° 00'	178.80 feet	along same to a point;
21.	317° 00'	222.00 feet	along same to a point;
22.	278° 32'	181.65 feet	along same to a point;
23.	216° 46'	338.00 feet	along same to a point;
24.	263° 05'	335.00 feet	along same to a point;
25.	287° 58'	511.00 feet	along same to a point;
26.	302° 15'	406.00 feet	along same to a point;
27.	306° 30'	153.50 feet	along same to a point;
28.	294° 40'	227.60 feet	along same to a point;
29.	310° 15'	210.80 feet	along same to a point;
30.	354° 58'	48.00 feet	along same to a point;
31.	307° 00'	85.00 feet	along same to a point;
32.	313° 50'	141.00 feet	along same to a point;
33.	323° 45'	100.30 feet	along same to a point;
34.	311° 32'	233.75 feet	along same to a point;
35.	323° 45'	180.00 feet	along same to a point;
36.	306° 00'	131.00 feet	along same to a point;
37.	284° 28'	256.00 feet	along same to a point;
38.	289° 30'	472.25 feet	along same to a point;

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|-----|---|---------------|---|
| 39. | 92° 57'   | 1,804.74 feet | along Waiakoa to a point;   |
| 40. | 115° 07' 30"  | 1,223.54 feet | along Lot 134-A of the Hale Piilani Subdivision - Phase II (F. P. 1831) to a point;   |
| 41. | 131° 26' 50"  | 599.16 feet   | along Lot 134-B of the Hale Piilani Subdivision - Phase II (F. P. 1831) and Lot 147 of the Hale Piilani Subdivision - Phase 2 (F. P. 1894) to a point;                  |
| 42. | 98° 29'   | 1,616.00 feet | along Lots 147 to 172, inclusive of the Hale Piilani Subdivision - Phase II (F. P. 1894) and Lot 122 of the Hale Piilani Subdivision - Phase I (F. P. 1831) to a point; |
| 43. | 83° 02' 30"   | 728.00 feet   | along Lots 122-112, inclusive of the Hale Piilani Subdivision - Phase I (F. P. 1831) to a point;  |
| 44. | 77° 59'   | 161.00 feet   | along Lot 109 of the Hale Piilani Subdivision - Phase I (F. P. 1831) to a point;  |
| 45. | 82° 50'   | 455.57 feet   | along Lots 108, 101 and 100 of the Hale Piilani Subdivision - Phase I (F. P. 1831) and the northerly side of Kaiwahine Street to a point;                               |
| 46. | Thence along the northerly side of Kaiwahine Street on a curve to the left with a radius of 530.00 feet, the chord azimuth and distance being:<br>94° 23' 03" 212.25 feet to a point;                               |               |   |
| 47. | 172° 50'  | 10.00 feet    | along the northerly side of Kaiwahine Street to a point;  |
| 48. | 82° 50'   | 70.00 feet    | along same to a point;  |
| 49. | Thence along same on a curve to the left with a radius of 165.00 feet, the chord azimuth and distance being:<br>72° 28' 21" 59.35 feet along same to the point of beginning and containing an Area of 94.352 Acres. |               |   |

Prepared by: A&B Properties, Inc.  
Kahului, Maui, Hawaii

March 3, 2010

This work was prepared by me or under my supervision.



*Ken T. Nomura* 4/30/2010  
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Ken T. Nomura  
Licensed Professional Land Surveyor  
Certificate No. LS-7633  
Expiration Date: 4/30/2010

ME  
27/30-y

EXHIBIT "B"

CONDITIONS OF ZONING

1. That, in order to meet the goals and objectives of the Community Plan and Countywide Policy Plan, the developer shall provide an open space/greenway with pedestrian walkways and bicycle pathways throughout the project area with connectivity to the Waiakoa Gulch and adjoining residential areas.
2. That consideration is given to generating renewable energy consistent with the Hawaii Clean Energy Initiative goals.
3. That the developer shall submit five (5) copies of a report addressing their compliance with these Conditions of Zoning to the Department of Planning (Department), which shall be approved prior to the issuance of the site grading or building permit, and shall submit a Final Compliance Report to the Department, which shall be approved prior to the issuance of Certificate of Occupancy or initial occupancy of each phase.