

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

August 25, 2015

**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 August 5, 2015, makes reference to County Communication 15-148, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM THE R-1 RESIDENTIAL DISTRICT TO THE SBR SERVICE BUSINESS RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT 2241 WEST VINEYARD STREET, WAILUKU, MAUI, HAWAII."

The purpose of the proposed bill is to grant a request from Hula Maui LLC for a Change in Zoning from R-1 Residential District to SBR Service Business Residential District for a parcel consisting of 11,117 square feet at 2241 West Vineyard Street, Wailuku, Maui, Hawaii.

Your Committee notes the Change in Zoning would make the subject property's zoning consistent with the Wailuku-Kahului Community Plan.

Your Committee notes the owner of the subject property is Hula Maui LLC, represented in the application by Janice R. Welsh, its sole member. The subject property is in the Urban State Land Use District, within the Maui Island Plan's Urban Growth Boundary, and designated SBR Service Business Residential District in the Wailuku-Kahului Community Plan.

Your Committee further notes office uses have been authorized at the subject property by an existing Conditional Permit, initially granted by Ordinance 2006 (1991) and subsequently extended by Ordinance 2210 (1993), Ordinance 2645 (1998), and Ordinance 3768 (2010). According to the Department of Planning, there are four buildings located

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on the subject property, three of which are 500-square-foot residential structures and one that is an 1,800-square-foot building used for offices.

According to the Department, changing the subject property's zoning to SBR would create consistency with the underlying land use designations.

Your Committee notes the Change in Zoning would implement the following General Plan objectives and policies:

- "Promote an economic climate that will encourage diversification of the County's economic base and a sustainable rate of economic growth." (Countywide Policy Plan, page 60.)
- "Support economic decisions that create long-term benefits." (Countywide Policy Plan, page 60.)
- "Support and promote locally produced projects and locally owned operations and businesses that benefit local communities and meet local demand." (Countywide Policy Plan, page 60.)
- "Encourage businesses that promote the health and well-being of the residents, produce value-added products, and support community values." (Countywide Policy Plan, page 60.)
- "Encourage and support local businesses." (Maui Island Plan, page 4-6.)

Your Committee voted 5-0 to recommend passage of the proposed bill on first reading and filing of the communication. Committee Chair Carroll and members Baisa, Couch, Crivello, and Guzman voted "aye." Vice-Chair Victorino and member Cochran were excused.

Your Land Use Committee **RECOMMENDS** the following:

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1. That Bill _____ (2015), attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM THE R-1 RESIDENTIAL DISTRICT TO THE SBR SERVICE BUSINESS RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT 2241 WEST VINEYARD STREET, WAILUKU, MAUI, HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-148 be FILED.

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



ROBERT CARROLL, Chair

lu:cr:15012aa:scj

ORDINANCE NO. _____

BILL NO. _____ (2015)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM THE R-1
RESIDENTIAL DISTRICT TO THE SBR SERVICE BUSINESS RESIDENTIAL
DISTRICT FOR PROPERTY SITUATED AT 2241 WEST VINEYARD
STREET, WAILUKU, MAUI, HAWAII

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

SECTION 1. Pursuant to Chapters 19.11 and 19.510, Maui County Code, a change in zoning from R-1 Residential District to SBR Service Business Residential District is hereby granted for that certain parcel of land situated at 2241 West Vineyard Street, Wailuku, Maui, Hawaii, and identified for real property tax purposes by TMK (2) 3-4-014:038, comprising approximately 11,117 square feet, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-377, 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:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui
2015-4100

EXHIBIT "A"

-FIRST:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent 6711, Land Commission Award 406, Apana 11 to Napela) situate, lying and being at Halaula, Wailuku, Island and County of Maui, State of Hawaii, being LOT 11 of the "SMART TRACT, FILE PLAN 304", and thus bounded and described:

Beginning at a ¾-inch pipe in concrete at the northwest corner of this parcel of land, on the southerly side of Vineyard Street, said point being also the northeast corner of a Poalima of Grant 3343 to Claus Spreckels, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 2,709.75 feet North and 3,281.58 feet West and running by azimuths measured clockwise from true South:

- | | | | |
|----|--------------|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | 245° 15' 00" | 27.21 | feet along said southerly side of Vineyard Street to a set ¾-inch pipe; |
| 2. | 336° 31' 00" | 52.40 | feet along Royal Patent 7184, Land Commission Award 1759, Apana 6 to Kaupa to a found ½-inch pipe; |
| 3. | 245° 45' 00" | 23.87 | feet along same to a set ¾-inch pipe; |
| 4. | 339° 35' 00" | 90.30 | feet along same to a found ½-inch pipe; |
| 5. | 264° 12' 15" | 32.36 | feet along same to a found ½-inch pipe; |
| 6. | 52° 31' 30" | 70.00 | feet along Lot 10 of said Smart Tract, File Plan 304 and along the remainder of said Royal Patent 6711, Land Commission Award 406, Apana 11 to Napela to a set ¾-inch pipe; |
| 7. | 156° 59' 00" | 91.00 | feet along Royal Patent 7905, Land Commission Award 2478, Apana 1 to Kaukaiiu to a found iron pin; |
| 8. | 149° 14' 24" | 78.04 | feet along said Poalima of Grant 3343 to Claus Spreckels to the point of beginning and containing an area of 5,878 square feet, more or less. |

-SECOND:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent 7184, Land Commission Award 1759, Apana 6 to Kaupa) situate, lying and being at Halaula, Wailuku, Island and County of Maui, State of Hawaii, and thus bounded and described:

Beginning at a set 3/4-inch pipe at the northwest-corner of this parcel of land, on the southerly side of Vineyard Street, said point being also the northeast corner of Lot 11 of the Smart Tract, File Plan 304, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 2,721.14 feet North and 3,256.87 feet West and running by azimuths measured clockwise from true South:

1. 245° 36' 00" 35.54 feet along said southerly side of Vineyard Street to a found 1/2-inch pipe;
2. 335° 31' 00" 34.06 feet along Lot 12 of said Smart Tract, File Plan 304 and Royal Patent 6711, Land Commission Award 406, Apana 11 to Napela to a found 1/2-inch pipe;
3. 252° 37' 20" 20.58 feet along same to a set 3/4-inch pipe;
4. 339° 49' 30" 116.81 feet along same to a found 1/2-inch pipe;
5. 84° 12' 15" 32.36 feet along said Lot 11 of the Smart Tract, File Plan 304 and said Royal Patent 6711, Land Commission Award 406, Apana 11 to Napela to a found 1/2-inch pipe;
6. 159° 35' 00" 90.30 feet along same to a set 3/4-inch pipe;
7. 65° 45' 00" 23.87 feet along same to a found 1/2-inch pipe;
8. 156° 31' 00" 52.40 feet along same to the point of beginning and containing an area of 5,239 square feet, more or less.

Being the same premises conveyed to Grantor herein by Warranty Deed dated January 26, 2004, recorded in the Bureau of Conveyances as Document No. 2004-021106.

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.

2. Encroachment(s) as shown on the survey map prepared by Martina W. Jale, Land Surveyor, with Ana Aina Land Surveyors, dated December 13, 2003.

3. All other encumbrances, easements, reservations, restrictions and other matters, if any, presently of record.