

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

November 3, 2006

**Committee**  
**Report No.**

06-132

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Land Use Committee, having met on October 18, 2006, makes reference to County Communication No. 06-116, from Councilmember Charmaine Tavares, transmitting the following:

1. A draft bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.27, MAUI COUNTY CODE, RELATING TO THE MAUI CENTRAL PARK DISTRICT".

The purpose of the draft bill is to amend Chapter 19.27, Maui County Code (MCC), to allow restaurant and gift shop uses as accessory uses for cultural and performing arts centers and for botanical gardens in the Maui Central Park District.

2. A proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION A DRAFT BILL TO AMEND CHAPTER 19.27, MAUI COUNTY CODE, RELATING TO THE MAUI CENTRAL PARK DISTRICT".

The purpose of the proposed resolution is to transmit the draft bill to the Maui Planning Commission.

Your Committee notes that it previously reported on this matter through Committee Report No. 06-70, which recommended that a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION A DRAFT BILL TO AMEND CHAPTER 19.27, MAUI COUNTY CODE, RELATING TO THE MAUI CENTRAL PARK DISTRICT" be adopted. At its meeting of June 23, 2006, the Council adopted Committee Report No. 06-70 (Resolution No. 06-57).

By correspondence dated June 28, 2006, the Chair of your Committee attached copies of the following documents and requested that the Planning Director transmit them

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to the Maui Planning Commission for consideration in conjunction with its review of Resolution No. 06-57:

1. Land Use Committee Report No. 06-70;
2. Relevant excerpts of the minutes of your Committee's June 7, 2006 meeting; and
3. Land Use Committee Report No. 06-38.

Your Committee notes that the Maui Planning Commission held a public hearing on the proposed amendments to Chapter 19.27, MCC, on September 12, 2006.

Your Committee further notes that the Maui Planning Commission, after reviewing the recommendations set forth in correspondence dated September 1, 2006 from the Planning Director, voted to recommend that the draft bill be revised to incorporate the accessory uses and structures permitted in the PK-2 Community Park District (Subsection 19.615.030(B)(2), MCC). The Maui Planning Commission further recommended passage of the draft bill as revised.

By correspondence dated September 25, 2006, the Council Chair transmitted correspondence dated September 18, 2006, from the Planning Director, transmitting the Maui Planning Commission's comments regarding the draft bill.

By correspondence dated October 9, 2006, the Chair of your Committee transmitted a copy of the relevant portion of the draft minutes of the Maui Planning Commission's September 12, 2006 meeting.

By correspondence dated October 9, 2006, the Chair of your Committee requested that the Department of the Corporation Counsel transmit a proposed bill that addresses the Maui Planning Commission's recommendation that additional accessory uses and structures be permitted in the Maui Central Park District.

By correspondence dated October 11, 2006, the Department of the Corporation Counsel transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.27, MAUI COUNTY CODE, RELATING TO THE MAUI CENTRAL PARK DISTRICT". The proposed bill incorporates accessory uses,

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including restaurant and gift shop uses, for cultural and performing arts centers and for botanical gardens, into the Maui Central Park District.

At its meeting, your Committee met with the Planning Director; the Administrative Planning Officer, Department of Planning; the Deputy Director of Parks and Recreation; and a Deputy Corporation Counsel.

There was no public testimony.

Your Committee received a brief overview of the matter from the Administrative Planning Officer who indicated that the proposed bill would allow accessory uses in the Maui Central Park District that would include restaurants and gift shops.

Your Committee discussed the history of this proposal, noting that the incorporation of accessory uses in the Maui Central Park District resulted from numerous requests for conditional permits from nonprofit organizations who are operating in the Maui Central Park District while they build their own facilities and capital programs.

The Deputy Director stated that the Department of Parks and Recreation supports the proposed accessory uses for the Maui Arts and Cultural Center, but has concerns about making the accessory uses available to the Maui Nui Botanical Gardens. He declined to detail the concerns regarding the Maui Nui Botanical Gardens. Your Committee noted that its previous discussions on this matter have raised concerns regarding the lack of parking for the Maui Nui Botanical Gardens.

Your Committee expressed support for restaurants and gift shops in the Maui Central Park District as a convenience for residents and visitors that frequent the area.

Your Committee briefly discussed the possibility of a reporting requirement for organizations that engage in accessory uses.

Your Committee discussed the need for future discussion of the matter of County concessions, and the possibility of using concessions as a means to generate revenues to maintain and upgrade parks and park facilities.

Your Committee voted to recommend passage of the proposed bill and filing of the communication.

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Your Land Use Committee RECOMMENDS the following:

1.     That Bill No. \_\_\_\_\_ (2006), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.27, MAUI COUNTY CODE, RELATING TO THE MAUI CENTRAL PARK DISTRICT", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
  
2.     That County Communication No. 06-116 be FILED.

Adoption of this report is respectfully requested.

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**ROBERT CARROLL** **Chair**

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**DAIN P. KANE** **Member**

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**JOSEPH PONTANILLA** **Vice-Chair**

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**DANNY A. MATEO** **Member**

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**MICHELLE ANDERSON** **Member**

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**MICHAEL J. MOLINA** **Member**

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**G. RIKI HOKAMA** **Member**

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**CHARMAINE TAVARES** **Member**

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**JO ANNE JOHNSON** **Member**