

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

March 11, 2005

**Committee
Report No.**

05-28

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

Chair and Members:

Your Land Use Committee, having met on February 16, 2005, makes reference to County Communication No. 05-72, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII FOR THE MAUI MEMORIAL MEDICAL CENTER". The purpose of the proposed bill is to change the zoning for the Maui Memorial Medical Center (MMMC), an existing nonconforming use, located on approximately 17.6 acres at 221 Mahalani Street, Wailuku, Maui (TMK No. (2) 3-8-046:013 and 029).

Your Committee notes that the Planning Director has initiated the change in zoning request in order to resolve zoning issues each time MMMC proposes an expansion to its facilities and services. According to the request, the hospital is an existing nonconforming use established in September 1952, prior to codification of Title 19 of the Maui County Code (the Comprehensive Zoning Ordinance). The hospital site is identified for Public/Quasi-Public use on the Wailuku-Kahului Community Plan Map, and the proposed zoning change will implement the community plan designation.

Your Committee further notes that the Maui Planning Commission held a public hearing and meeting on the application on January 11, 2005.

Your Committee further notes that the Maui Planning Commission, on January 11, 2005, after reviewing the findings presented in the document entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION January 11, 2005 MEETING" and the "MAUI PLANNING DEPARTMENT'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION January 11, 2005 MEETING", voted to recommend approval of the change in zoning.

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By correspondence dated February 14, 2005, the Chair of your Committee requested that the Department of the Corporation Counsel make nonsubstantive revisions to the proposed bill.

By correspondence dated February 15, 2005, the Department of the Corporation Counsel transmitted a revised proposed bill incorporating the revisions requested by the Chair of your Committee.

At its meeting, your Committee met with the Planning Director; a Deputy Corporation Counsel; and Wesley Lo, Chief Executive Officer of Maui Memorial Medical Center.

There was no public testimony.

The Planning Director provided a brief overview of the request, noting that no one had testified at the public hearing before the Maui Planning Commission, and that the Maui Planning Commission had unanimously recommended that the Council approve the change in zoning.

The Planning Director further noted that the Department of Planning intends to eventually initiate changes in zoning to the P-1 Public/Quasi-Public District where public facilities on other properties, including schools, churches, and the Maui Arts and Cultural Center, are faced with similar nonconforming designations. A comprehensive list of those properties is a significant undertaking even when limited to the Wailuku-Kahului Community Plan area, and one has not yet been prepared due to other staffing priorities.

Your Committee discussed whether a heliport would be a permitted use in the P-1 Public/Quasi-Public District. Mr. Lo indicated that some research would need to be done concerning the distinction between a landing zone and a heliport, and also informed your Committee of a possible location for a landing zone.

The Planning Director informed your Committee that, when the P-1 Public/Quasi-Public District was created, there should have been an immediate follow-up procedure to identify various public/quasi-public uses throughout the County that would be reclassified to that new district.

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Your Committee questioned whether a provision was adopted to automatically rezone existing properties in public use when the P-1 Public/Quasi-Public District was created in 1986. The Planning Director informed your Committee that the Department would research the question.

The Planning Director further informed your Committee that a request to amend the P-1 Public/Quasi-Public District to modify permitted building heights and the list of permitted uses would be transmitted to the Council within the next few months.

Your Committee voted to recommend passage of the revised proposed bill on first reading and filing of the communication.

Your Land Use Committee RECOMMENDS the following:

1. That Bill No. _____ (2005), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII FOR THE MAUI MEMORIAL MEDICAL CENTER", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 05-72 be FILED.

Adoption of this report is respectfully requested.

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