

BEFORE THE MAUI PLANNING COMMISSION
COUNTY OF MAUI
STATE OF HAWAII

In the Matter of the Application of)
) Docket CIZ 980013
MR. HENRY RICE,)
KAONOULU RANCH COMPANY, LTD.,) KAONOULU INDUSTRIAL PARK
) (ATC)
to Obtain a Change in Zoning from the)
County Agricultural District to the)
M-1 Light Industrial District for the)
Kaonoulu Industrial Park Project, a Light)
Industrial Subdivision and Related)
Improvements on Approximately 88 Acres)
of Land at TMK 3-9-01: 16 and)
2-2-02: portion of 15, Kihei, Maui, Hawaii)

Maui Planning Department's Recommendation
for the
Maui Planning Commission Meeting on
August 25, 1998

Change In Zoning
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Department of Planning
County of Maui
250 S. High Street
Wailuku, Maui, Hawaii 96793

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<u>2-2-02: portion of 15, Kihei, Maui, Hawaii</u>)	

CONCLUSIONS OF LAW

1. The proposed request is consistent with various objectives and policies of the Maui County General Plan and the Kihei-Makena Community Plan.
2. The proposed request for M-1 Light Industrial District Zoning is consistent with the Light Industrial Land Use designation in the Kihei-Makena Community Plan.
3. The proposed subdivision layout preliminarily meets standards of the M-1 Light Industrial District as the lots are proposed to exceed 7,500 square feet in size and have average lot widths of sixty (60) feet. The proposed project will meet additional standards at the time of construction such as height regulations and setbacks.
4. Based on public agency comments, the proposed request, if granted would not adversely affect public infrastructure.

5. Based on the public agency comments, the application, if granted would not adversely impact the social cultural, economic, environmental and ecological character and quality of the surrounding area.

RECOMMENDATION

Pursuant to the Findings of Fact and Conclusions of Law contained in the Maui Planning Department's Report to the Maui Planning Commission and the Recommendation Memorandum prepared for the August 25, 1998 meeting on the subject application, the Planning Department submits the following recommendation for consideration by the Maui Planning Commission:

That the application for a Change in Zoning from the County Agricultural District to the M-1 Light Industrial District be approved.

In addition, the Planning Department is recommending that the following conditions be attached to the Change in Zoning approval:

1. That not less than 70% of the net property developed shall be leased or sold as restricted to uses permitted in the M-1 Light Industrial district, under Title 19, Chapter 19.24 of the Maui County Code, excluding the uses permitted in the B-1, B-2 and B-3 Business District.

2. That the declarant shall comply with the requirements set forth by the Maui County Planning Department in that no more than 30% of the net property developed shall be leased or sold as permitting M-1 Light Industrial District uses including the uses permitted in the B-1, B-2 and B-3 Business Districts.

3. That the declarant shall have the option and the right to determine which lots shall be restricted and unrestricted prior to final subdivision approval. In addition the declarant shall have the option and right to intersperse, and move both the restricted and unrestricted lots prior to final subdivision approval provided that the ratio of 70% restricted to 30% unrestricted remains in-tact.

4. That at the time of final subdivision approval, a map showing the 70% restricted lots as well as the 30% unrestricted lots shall be submitted to the Planning Department and the Department of Public Works and Waste Management (DPWWM) for review and approval. If any changes are proposed by the applicant in the mix of restricted and unrestricted lots after final subdivision approval, and provided the ratio of 70% restricted to 30% unrestricted remains intact, the applicant shall submit a site map to the Planning Department and the DPWWM for review and approval.

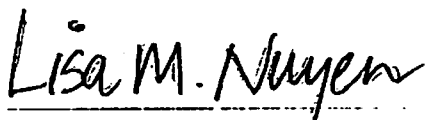
5. That the above conditions shall run with the land and upon final subdivision approval or any resale of any lot, any restriction on any lot shall be set forth in a covenant with each deed which shall be filed with the Bureau of Conveyances. One copy of the recorded deed document shall be filed each with the Director of Planning and the Director of Public Works and Waste Management within 10 days of recordation.

6. That the applicant shall participate in intersection improvements, which includes but is not limited to, traffic signals and turning lanes to the satisfaction of the Department of Transportation (DOT). The applicant is encouraged to explore opportunities of cost share arrangements with adjacent developers. (Recommended by DOT)

7. That water conservation measure shall be incorporated into the design and operations of the industrial project. (Recommended by DWS)

Finally, the Planning Department recommends that the Department's Report and Recommendations dated August 25, 1998, be adopted by the Maui Planning Commission as its Findings of Fact and Conclusions of Law and that the Planning Director transmit said Findings of Fact and Conclusions of Law to the Council of the County of Maui.

APPROVED:



LISA M. NUYEN
Director of Planning
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