

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



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COUNTY OF MAUI  
DEPARTMENT OF PLANNING  
OFFICE OF THE MAYOR

April 13, 2012

Honorable Alan M. Arakawa  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Donald G. Couch, Jr.  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL  
*[Signature]* 4/13/12  
Mayor Date

OFFICE OF THE  
COUNTY COUNCIL

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Dear Councilmember Couch:

**SUBJECT: REVIEW OF ECLIPSE DEVELOPMENT GROUP'S P'ILANI PROMENADE PROJECT DOCUMENTS AND CONSISTENCY WITH THE KIHEI-MAKENA COMMUNITY PLAN**

In response to your March 13, 2012 letter, the Department of Planning (Department) has reviewed the Change in Zoning (CIZ), State District Boundary Amendment (DBA), and community plan documents relative to this project.

The State Land Use Commission (LUC) reclassified approximately 88 acres from the State Agricultural District to the State Urban District in 1995. The Decision and Order is dated February 10, 1995. At the time, the petitioner proposed a light industrial/commercial subdivision. There were no conditions imposed by the State LUC that restricted use of the property. Whether the property is used for commercial or light industrial purposes, both are "urban" uses. The State Urban designation allowed the County to zone the land accordingly.

The County Council (Council) granted M-1 Light Industrial District Zoning to the property by Ordinance No. 2792, effective May 25, 1999, subject to four (4) conditions as follows:

1. 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.
2. That water conservation measures shall be incorporated into the design and operations of the industrial project.

P'ILANI EXHIBIT 23

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3. That the Applicant shall design its landscape irrigation system to accommodate future connection to the County's effluent reuse system.
4. That the design guidelines for this project be reviewed by the Department.

Relative to Condition No. 4, PBR Hawaii prepared design guidelines titled, "Kaonoulu Industrial Park Business and Industrial Park Development Standards and Design Rules." The design guidelines were reviewed by the Urban Design Review Board (UDRB) at a public meeting on October 7, 1999. At this meeting, the UDRB offered comments on the guidelines. The Applicant amended the guidelines to address the comments of the UDRB, and the revised guidelines were dated January 4, 2000. The Department approved the design guidelines on January 18, 2000.

The County's M-1 Light Industrial District, Chapter 19.24, Maui County Code, permits uses in the B-1, B-2, and B-3 Business Districts in addition to identified light industrial uses. Unless there is a condition of zoning that prohibits any of these business or industrial uses, they are permitted by right. During the review of the Change in Zoning application for the Kaonoulu Industrial Project, the Department proposed five (5) conditions which would have established a percentage restriction on the business uses. Neither the Maui Planning Commission nor the Council supported the restriction and, as such, there are no conditions of zoning that restrict uses within the M-1 Light Industrial District for this project.

Until there is legislation to amend Chapter 19.24, uses within the B-1, B-2, and B-3 are permitted in the M-1 Light Industrial District. It is noted that the Department is proposing to add an M-3 Heavy Industrial Zoning District which will exclude non-industrial uses. The proposed bill has been reviewed by the three (3) planning commissions and is currently with the Corporation Counsel's office for review as to form and legality. The Department anticipates transmitting the bill to the Council by summer.

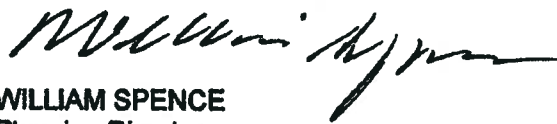
The Kihei-Makena Community Plan designates the project site for Light Industrial use. Light Industrial is described in the community plan as "warehousing, light assembly, service and craft-type industrial operations." Although the community plan describes light industrial in this manner, the County's M-1 Light Industrial District is a tiered system allowing for business uses in addition to light industrial uses. Therefore, the proposed retail center is deemed to be consistent with the community plan.

The property is not within the Special Management Area (SMA); therefore, the project is not subject to the SMA Rules. The project will be required to obtain building permits. At that time, County and State agencies will review the project relative to infrastructure, public services, design, parking, landscaping, etc.

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Thank you for your attention to this matter. Should you require further clarification be necessary, please contact Current Planning Supervisor Ann Cua at Ext. 7521.

Sincerely,



WILLIAM SPENCE  
Planning Director

xc: Clayton I. Yoshida, Planning Program Administrator (PDF)  
Ann T. Cua, Current Planning Supervisor (PDF)  
Randy Piltz, Mayors Office  
Patrick Wong, Corporation Counsel

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Project File  
General File

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