

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

February 16, 2001

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

01-16

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

Chair and Members:

Your Land Use Committee, having met on January 29, 2001, makes reference to County Communication No. 00-235, from the Planning Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT PAIA, HAMAKUAPOKO, MAUI, HAWAII".

The purpose of the proposed bill is to change the State Land Use District Classification from Agricultural to Urban for 2,155 square feet of land located at Hamakuapoko, Pa`ia, Maui (TMK: 2-6-003:por. 001) for a portion of a parking lot located next to the applicant's commercial building on Baldwin Avenue.

2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM PUBLIC/QUASI-PUBLIC TO BUSINESS FOR PROPERTY SITUATED AT PAIA, HAMAKUAPOKO, MAUI, HAWAII".

The purpose of the proposed bill is to change the Community Plan designation from Public/Quasi-Public to Business for 249 square feet of land located at Hamakuapoko, Pa`ia, Maui (TMK: 2-6-003:por. 001) for a portion of a parking lot located next to the commercial building on Baldwin Avenue.

3. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR PROPERTY SITUATED AT PAIA, HAMAKUAPOKO, MAUI, HAWAII".

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The purpose of the proposed bill is to change the zoning from Interim to B-CT Country Town Business District for 2,155 square feet of land located at Hamakuapoko, Pa`ia, Maui (TMK: 2-6-003:por. 001) for a portion of a parking lot located next to the applicant's commercial building on Baldwin Avenue.

4. Other related documents.

Your Committee notes that County Communication No. 00-235 was referred to the prior Council's Land Use Committee on September 1, 2000.

At its meeting of November 16, 2000, the Committee recommended that County Communication No. 00-235 be referred to the Council Chair for the term beginning January 2, 2001, for a recommendation as to referral or other disposition.

By memorandum dated January 3, 2001, the Council Chair transmitted a letter dated December 26, 2000, from the Applicant, addressed to a Planner from the Department of Planning, requesting an extension of the State Land Use Commission Special Use Permit beyond the deadline of January 31, 2001.

At its meeting of January 12, 2001, the Council referred County Communication No. 00-235 to your Land Use Committee (County Communication No. 01-21).

Your Committee notes that the Maui Planning Commission held a public hearing and meeting on May 23, 2000, regarding the applicant's land-use requests reflected in the proposed bills. After reviewing the findings presented in the documents entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION May 23, 2000 MEETING" and "MAUI PLANNING DEPARTMENT'S CONCLUSIONS OF LAW AND RECOMMENDATION REPORT TO THE MAUI PLANNING COMMISSION May 23, 2000 MEETING", the Commission voted to recommend approval of the applicant's land-use requests.

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At its meeting, your Committee met with the Planning Director; a Planner from the Department of Planning; a Deputy Corporation Counsel; and David Spee, the applicant.

The applicant informed your Committee that the land-use approvals were related to his commercial building on Baldwin Avenue in Pa`ia (specifically to a portion of an on-site parking lot comprising 2,155 square feet). He further informed your Committee that the building and parking lot were constructed and in operation pursuant to a Conditional Permit granted in 1999. The applicant stated that the development had resulted in a net gain of 20 much-needed parking spaces for Pa`ia Town. He also stated that approval of the proposed bills would bring the subject property's uses into compliance with applicable land-use bills.

The Planner informed your Committee that the applicant received a Conditional Permit pursuant to Ordinance No. 2809 (1999), effective November 23, 1999, which required the applicant to seek the land-use approvals reflected in the proposed bills. She noted that the subject property had a State Land Use District Classification of Agricultural, but that the land was not feasible for agricultural uses. The Planner further noted that the proposed bill changing the Community Plan designation from Public/Quasi-Public to Business applied to only 249 square feet because the Council had already changed the designation for the remainder of the subject property. Finally, she noted that the Department of Planning concurred with the Maui Planning Commission's recommendation that the Council approve the proposed bills.

The Planning Director informed your Committee that the applicant's development was allowed to proceed because of the applicant's receipt of the Conditional Permit and because the subject 2,155 square feet of land was deemed a remnant property.

In response to questions from your Committee, the applicant stated that Hi-Tech Surf Sports was an existing tenant and that other tenants had been found for the building. He added that the development was positive for the community, particularly because of the additional parking stalls. The applicant stated that he was an on-site property manager and intended to have a long-term presence in Pa`ia.

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Your Land Use Committee voted to recommend approval of the proposed bills, as revised, to reflect the current year, and filing of the communication.

Your Land Use Committee RECOMMENDS the following:

1. That Bill No. \_\_\_\_\_ (2001), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT PAIA, HAMAKUAPOKO, MAUI, HAWAII" PASS FIRST READING and BE ORDERED TO PRINT;
2. That Bill No. \_\_\_\_\_ (2001), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM PUBLIC/QUASI-PUBLIC TO BUSINESS FOR PROPERTY SITUATED AT PAIA, HAMAKUAPOKO, MAUI, HAWAII" PASS FIRST READING and BE ORDERED TO PRINT;
3. That Bill No. \_\_\_\_\_ (2001), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR PROPERTY SITUATED AT PAIA, HAMAKUAPOKO, MAUI, HAWAII" PASS FIRST READING and BE ORDERED TO PRINT; and
4. That County Communication No. 00-235 be FILED.

Adoption of this report is respectfully requested.

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