

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

December 7, 2001

Committee
Report No.

01-239

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, 2001, makes reference to County Communication No. 01-276, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII".

The purpose of the proposed bill is to grant a Change in Zoning from R-2 Residential District to B-2 Community Business District on approximately 1.070 acres of land containing the mauka portion of the existing Kukui Mall parking lot located at Kihei, Maui (TMK: 3-9-003:016 (por. of)). The Change in Zoning was submitted by applicant Richard Ing, on behalf of Sheridan Ing Partners Hawaii and Olomana Land Investments.

Your Committee notes that the subject property is currently used as a parking lot pursuant to a Conditional Permit granted by Ordinance No. 1735, as amended by Ordinance Nos. 1802 and 2972.

Your Committee further notes that the Maui Planning Commission held a public hearing and meeting on the Change in Zoning request on August 28, 2001. In addition, your Committee notes that the Maui Planning Commission, after reviewing the findings presented in the documents entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION August 28, 2001 MEETING" and "MAUI PLANNING DEPARTMENT'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION AUGUST 28, 2001 MEETING", voted to recommend approval of the proposed Change in Zoning subject to the following conditions:

1. That all structures shall not exceed 35 feet in height.

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2. That the following uses shall be permitted, provided acoustical measures have been incorporated into the building or project to mitigate potential noise impacts: amusement enterprises; auditoriums and theaters; catering establishments; dancing and hula studios; miniature golf courses; music conservatories or music studios; pet shops, not involving the treatment or boarding of animals; physical culture studios; printing, lithography, or publishing shops; private clubs or fraternal organizations; private schools or business colleges; religious, benevolent, and philanthropic societies; restaurants, cafes or bars, including drive-ins; and trade schools.
3. The following uses shall be permitted, provided exterior lighting is shielded from adjacent residential properties: amusement enterprises; automobile parking lots and/or buildings; equipment rental and sales yards, miniature golf courses; parcel delivery stations; and parking areas.
4. The following uses shall be permitted, provided that merchandise, equipment and supplies are stored within enclosed buildings or enclosed areas that are appropriately screened with fencing and landscape planting: equipment rental and sales yards; feed stores; hardware and garden supply stores; parcel-delivery stations; and printing, lithography, or publishing shops.
5. The following uses shall be permitted, provided odor and vector mitigation measures are incorporated into the building or project to mitigate associated nuisances: catering establishments; feed stores; nurseries (flower or plants); pet shops, not involving the treatment or boarding of animals; restaurants, cafes, or bars, including drive-ins.
6. The following uses shall be prohibited:
 - a. Apartments;
 - b. Auctioneer establishments;
 - c. Automobile service stations;

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- d. Automobile upholstery shops;
 - e. Awning or canvas shops;
 - f. Baseball or football stadiums and other sport activities and amusements;
 - g. Bath houses, commercial (plunge);
 - h. Block-printing establishments;
 - i. Bowling alleys;
 - j. Dancehalls;
 - k. Gymnasiums;
 - l. Ice cream and milk manufacturing plants;
 - m. Marinas;
 - n. Nursing and convalescent homes;
 - o. Plumbing shops;
 - p. Radio and television stations;
 - q. Sanitariums;
 - r. Sign painting shops;
 - s. Used car lots; and
 - t. Mortuaries.
7. That future development on the property which increases floor area or results in any new structures shall be subject to review and approval by the Maui Planning Commission.

Your Committee further notes that the recommendation of the Maui Planning Commission was based upon the following findings:

- 1. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the County.
- 2. The proposed request is consistent with the applicable community plan land use map of the County.
- 3. The proposed request meets the intent and purpose of the district being requested.
- 4. The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems,

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sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements.

5. The application, if granted, would not adversely impact the social cultural, economic, environmental, and ecological character and quality of the surrounding area.

At its meeting, your Committee met with the Deputy Planning Director; a Deputy Corporation Counsel; Richard Ing, the applicant; and Gwen Ohashi Hiraga of Munekiyo & Hiraga, Inc., the applicant's consultant.

The applicant's consultant presented a computer-generated slide show that included photographs of the subject property and provided background information on the Change in Zoning request.

Your Committee noted that Kukui Mall is a busy shopping center that houses restaurants and a movie theater. Therefore, it was important to maintain as much existing parking stalls as possible for Kukui Mall, at least until a mass-transit system is developed. Your Committee voted to revise the proposed bill by adding a condition that the subject property, except for the structures and uses, shall only be used for parking and accessory uses. Existing structures and uses include an approximately 200-square-foot, steel-frame kiosk (which had previously been used by a rental-car agency and is currently unoccupied), large trash receptacles, and propane-gas containers.

Your Committee voted to recommend passage of the proposed bill, as revised; recording of the required unilateral agreement; and filing of the communication.

Your Committee is in receipt of a revised proposed bill, incorporating the revisions approved by your Committee.

Your Committee is also in receipt of an agreement entitled "Unilateral Agreement and Declaration for Conditional Zoning" executed by the applicant.

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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 CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII", PASS FIRST READING and BE ORDERED TO PRINT;
2. That the County Clerk RECORD the Unilateral Agreement and Declaration for Conditional Zoning; and
3. That County Communication No. 01-276 be FILED.

Adoption of this report is respectfully requested.

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ALAN M. ARAKAWA **Chair**

DAIN P. KANE **Member**

PATRICK S. KAWANO **Vice-Chair**

MICHAEL J. MOLINA **Member**

ROBERT CARROLL **Member**

WAYNE K. NISHIKI **Member**

G. RIKI HOKAMA **Member**

CHARMAINE TAVARES **Member**

JO ANNE JOHNSON **Member**