

MINUTES
LAND USE COMMITTEE

December 18, 2001

Council Chamber

CONVENE: 8:45 a.m.

PRESENT: Councilmember Alan M. Arakawa, Chair
Councilmember Patrick S. Kawano, Vice Chair
Councilmember Robert Carroll, Member
Councilmember Jo Anne Johnson, Member
Councilmember Michael P. Molina, Member
Councilmember Wayne K. Nishiki, Member

EXCUSED: Councilmember G. Riki Hokama, Member
Councilmember Dain P. Kane, Member
Councilmember Charmaine Tavares, Member

ABSENT: None

STAFF: David Raatz, Legislative Attorney
Yvette Bantilan, Committee Secretary

ADMIN.: John Min, Planning Director
Daren Suzuki, Staff Planner, Dept. of Planning
Richard Minatoya, Deputy Corporation Counsel

OTHERS: Que Martyn
Patrick Ryan
Doyle Betsill
Dwayne Betsill

PRESS: None

**2 COMMUNITY PLAN DESIGNATION FOR 5.17 ACRES IN
KIHEI (SITE OF PREVIOUSLY PROPOSED KA ONO ULU
COMMERCIAL DEVELOPMENT) (Misc.)**

CHAIR ARAKAWA: I'm gonna call the Land Use Committee to order. (gavel)
Good morning everyone and thank you for being here. We're gonna hopefully have a very short Committee meeting. I have two people that wanna testify. Let me explain what we're doing this morning and then you can decide whether you want to testify or not.

We have before us a, um . . . excuse me. The Chair would like to recognize this morning we have Council Chair Pat Kawano, Councilmember Robert Carroll, Councilmember Jo Anne Johnson, Councilmember Mike Molina and Councilmember Wayne Nishiki present. Excused Councilmember Tavares, Hokama and Kane.

Uh . . . what has occurred is that we have a resolution. When we dealt with the Ka Ono Ulu project, the Betsill project, the Committee recommended that we take the property that we were discussing back to the community, uh, in the community plan it was designated Business/Commercial and we take it back to the residential, okay. That was what we have before us. In discussing the topic with the developer, there is also a 7 acre parcel that was put aside for a park in relationship to the commercial, Business/Commercial area and what they want is they want the whole thing to go back to where it was in the previous community plan. Because the Chair hasn't had time to really explore this 'cause this has just come up, what I was planning to do was defer the item to be able to further understand the park part going back to the original community plan designation as well as the commercial part and what the mechanics would be. So that would be what I would prefer to do this morning. Councilmember Nishiki.

COUNCILMEMBER NISHIKI: Yeah, um . . . what was discussed by the Committee was a recommendation to at least put this 5 acre parcel back to a community plan designation of Multi-Family. Is that true?

CHAIR ARAKAWA: That's what the resolution is, that's what we're planning to do this morning.

COUNCILMEMBER NISHIKI: Well, what's stopping us from at least proceeding on that particular parcel?

CHAIR ARAKAWA: Well, we could do it, um . . .

COUNCILMEMBER NISHIKI: Okay.

CHAIR ARAKAWA: And again the, because the 7 acre parcel was part of that package for this property, the developer wanted to con . . . wanted us to . . . I don't know as Chair I, I, because it came up suddenly I don't know quite how it fits together and how we do the total resolution. We can either do it in separate sections and try and incorporate into whatever is there or we can do this part of it, um, which is what I had intended to do--

COUNCILMEMBER NISHIKI: Yeah.

CHAIR ARAKAWA: --but because this other one came up last minute, I'm not quite sure how the, how to put it together as a package at this point because we'd have to write up the entire perspective to put the entire thing, the entire property back to where it was in the community plan designation. And the other thing that I'm not sure about is because the specific topic that was given to us was the business area, I am not sure if the other parcel is even referred to this Committee. So there's a lot of things that I am uncertain about.

COUNCILMEMBER NISHIKI: But there's one thing--

CHAIR ARAKAWA: Yes.

COUNCILMEMBER NISHIKI: If I can continue.

CHAIR ARAKAWA: Yes.

COUNCILMEMBER NISHIKI: There's one thing that you're sure of that we can deal with the 5 acre parcel?

CHAIR ARAKAWA: We could deal with it at this point.

COUNCILMEMBER NISHIKI: And, and, and I would like to deal with it being that that was basically what we were here to discuss if it's possible.

CHAIR ARAKAWA: Okay.

COUNCILMEMBER NISHIKI: The other may take a long discussion and I think that this is long and coming and I'm glad that you put it on the agenda and I'd like to act on it today if possible.

CHAIR ARAKAWA: Okay. Councilmember Johnson.

COUNCILMEMBER JOHNSON: Yes, I concur with Mr. Nishiki. I think that, you know, it was dually noticed and I think the other issue right now at this

point we can deal with that separately and it's really not in your Committee at this point.

CHAIR ARAKAWA: Councilmember Carroll.

COUNCILMEMBER CARROLL: I also concur. I think we should do this one now and then afterwards we can address the other one because the other one I think is going to probably take a long time and it is as I'm, as far as I'm concerned it's separate from this. So I'd like to handle this today.

CHAIR ARAKAWA: Okay. Councilmember Kawano.

COUNCILMEMBER KAWANO: Mr. Chairman, earlier you mentioned that there are people who wish to testify. If we're gonna talk about it maybe we should listen, have them testify and see what they have first.

CHAIR ARAKAWA: Okay. Again, if we're gonna be dealing with it today, then I'll ask the testifiers to testify, and if we were gonna defer it, then I was just going to defer the whole thing but at this time if the wish--Councilman Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Mr. Chair. Now we're gonna have testimony plus act on this and just letting you know I think we have a, we are still on schedule we have a Budget meeting at nine o'clock and, um--

CHAIR ARAKAWA: Yes.

COUNCILMEMBER MOLINA: --I know the Chair isn't here at the moment but--

CHAIR ARAKAWA: We'll do the testimony and then I'll ask for a motion--

COUNCILMEMBER MOLINA: Okay.

CHAIR ARAKAWA: --because this was a Committee request.

COUNCILMEMBER MOLINA: All right. Okay, thank you.

CHAIR ARAKAWA: We have two people to testify. Um . . . Que Martyn followed by Patrick Ryan.

MR. MARTYN: Good morning, Council Chair and Council members, thank you for hearing this item. I'm glad to hear that you folks have decided to hear this because as a suggestion you might wanna take the park parcel and throw it into the parks committee it might be more appropriate because there are some underlying park issues, uh, uh, we have a . . . we, we feel

we have a deficiency in, in park in our subdivision. So if . . . you might wanna consider that to have it in the parks committee this 7 acre park parcel.

With regards to the 5 acres today in front of you for redesignation, I just wanted to thank the, uh, County Council for listening to the people. We came together over three years ago as a small body of simple homeowners and I hope this gives faith to people in Maui County that, uh, that this is a living example of people making a difference. We came together without an attorney. We did a lot of research and I think the County of Maui will find that if they really believe in something and they know something's not right, if they band together and people can be responsible for let's say researching some information, there's a lot of good that can be done on your own.

The redesignation of this property to, to go back to A-1, uh, Multi-Family and R-1 will again allow Ka Ono Ulu to develop into the residential, planned residential subdivision that it was intended to be. And, again, I wanted to thank all of you again for listening to the people as opposed to maybe other bodies. Thank you.

CHAIR ARAKAWA: Thank you, Que. Patrick Ryan.

MR. RYAN: Good morning or ho-ho ho-ho is the case may be. My name is Patrick Ryan. I live in Ka Ono Ulu Estates in Kihei. I appear today first of all to thank the County Council Land Use Committee for listening to the residents regarding this rezoning of the proposed strip mall within a residential area. Thank you very. And I must if to follow-up on Que's comments, not only has the Council warmed our heart by listening to the residents, it was meaningful that the Council made themselves available to tell us how the system worked. The Planning Department was available on how the system works and how we could work within it instead of banging heads. It was a high learning curve, but apparently it works and it can be done.

Today I support actions to redesignate this 5 acre parcel back to its earlier residential status. This would allow a developer to proceed with both a current commercial, uh, residential zoning and the needed matching community plan designation from business back to residential. This is short and sweet as you are well aware of all the background, but I would be pleased to answer any questions you might have. And, no, you can't have my hat.

CHAIR ARAKAWA: Thank you, Patrick. Council members if there's no discussion then the Chair would recommend the--

MR. DOYLE BETSILL: (spoke from the audience) Mr. Chair (inaudible)

CHAIR ARAKAWA: Okay, go ahead and sign up . . . identify yourself. Testify and then sign up later. No, testify first.

MR. DOYLE BETSILL: Doyle Betsill. First of all, good to see Pat back. I'm not speaking in opposition of this resolution first of all. We accept the events that have occurred, but there's some history here that we need to recognize and honor I believe. When we brought this back before the Land Use Committee, um, 5 years ago, we did two transactions simultaneously. We wanted to bring forth the smart growth community and what we've asked for was the commercial designation up on the top in the community plan and in return we gave this open space this 7 acres of open space down below adjacent to South Kihei Road. Well, now that the concept has been rejected, um, both transactions need to go back, both parcels which was, it was, it was a package deal, it was an agreement that we made, and since the one part of the agreement wasn't honored, we need to go back and we need to switch back both parcels. And I just believe that if we don't do this simultaneously that a lot of humbug will resolve. So I'm just asking that we take the time to do this properly. The parcels were originally changed in the community plan simultaneously. They need to go back to the original designation simultaneously and I think it should happen through the same process. It shouldn't be a circumstance where the Council basically oversees the one parcel and then we have to go and go through a whole different process on the other parcel. It was a deal. It all happened together and it should go back to the original status together and that's all we're asking. We, I mean this has been 5 years. I mean it's to our advantage to get the designations back where they're gonna go. So I'm not trying to delay matters, but I think we should take the time to do it properly and all in one process rather than making it cumbersome and burdensome for us to bring the process back to where it originally was. Thank you.

CHAIR ARAKAWA: Again, Council members and, um, Dwayne, what we can is we'll research the other portion and we'll bring it before the Committee. We can have discussion on it and then this is a referral to the Planning Commission for their review. If we agree that this should happen, then it can meet up later on or we can bring it back. So at this time the Chair would entertain a motion to approve the resolution.

COUNCILMEMBER JOHNSON: You have one more to testify.

CHAIR ARAKAWA: Oh. You signed up to testify? Okay. Sorry.

MR. DWAYNE BETSILL: Yes, I'm Dwayne Betsill and once again, what, what, I agree with my brother Doyle. What, we're not saying that we're against

this. We're okay with it what the process that you're talking about, but once again to us it's a joint situation. We were just noticed, we just got a letter in the mail on Friday that spoke of this coming before you because we talked with David Raatz the week before and he had mentioned that it wouldn't go on this calendar, it would go in January. So we've been diligently trying to pursue the channels of giving the information to Councilman Arakawa and others and we just haven't had that, we didn't connect to be able to give that information to them. So we're not opposing this, this piece of property going back to, uh, the residential. We just wanna make sure that what our understanding was from you as a Councilman was that it was gonna be a joint thing going back together. So that's the only reason we're asking for it to be deferred today so more information can be given for that purpose and that reason. Thank you.

CHAIR ARAKAWA: Okay. Thank you. And Doyle you have to fill out the form.

MS. BANTILAN: He did.

CHAIR ARAKAWA: He did. Okay. Councilmember Nishiki.

COUNCILMEMBER NISHIKI: Yeah. Chair, move to pass a bill for an ordinance to amend the Kihei-Makena Community Plan Land Use Map from Business/Commercial to Single-Family and Multi-Family for property situated in Kihei, Maui, Hawaii.

CHAIR ARAKAWA: Is there a second?

COUNCILMEMBER JOHNSON: Second.

COUNCILMEMBER KAWANO: Second.

CHAIR ARAKAWA: It's been moved by Councilmember Nishiki, seconded by Council Chair Kawano. Discussion? It's the reso. now Wayne?

COUNCILMEMBER NISHIKI: Yes.

CHAIR ARAKAWA: For referral so everybody's clear on that. No, discussion--

?: (inaudible)

CHAIR ARAKAWA: All in favor say aye.

COUNCIL MEMBERS: Aye.

CHAIR ARAKAWA: Opposed? Motion carried. Meeting adjourned. (gavel)

VOTE: AYES: Councilmember Carroll, Johnson, Kawano, Molina, Nishiki, and Chair Arakawa.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Hokama, Kane and Tavares.

ACTION: ADOPTION of resolution referring a proposed bill amending the Kihei-Makena Community Plan for property in the Ka Ono Ulu area of Kihei, Maui, Hawaii to the Maui Planning Commission

ADJOURNED: 9:00 a.m.

APPROVED:



ALAN M. ARAKAWA, Chair
Land Use Committee