

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

November 15, 2002

**Committee  
Report No.**

02-174

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 14, 2002, makes reference to County Communication No. 02-185, from the Planning Director, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT WAIOHULI-KEOKEA BEACH HOMESTEADS, KIHEI, MAUI, HAWAII".

The purpose of the draft bill is to grant a Change in Zoning, as requested by William and Joanne Caterina, Shaka Sandwich & Pizza, to construct and operate a 4,685-square-foot commercial building on approximately 21,229 square feet at Waiohuli-Keokea Beach Homesteads, Kihei, Maui (TMK: 3-9-012:035).

Your Committee notes that the Maui Planning Commission held a public hearing and meeting on the change-in-zoning request on May 28, 2002. Your Committee further notes that the Maui Planning Commission held another meeting on the change-in-zoning request on June 25, 2002. In addition, your Committee notes that the Maui Planning Commission, at its meeting of June 25, 2002, after reviewing the findings presented in the documents respectively entitled "MAUI PLANNING DEPARTMENT'S RECOMMENDATIONS REPORT TO THE MAUI PLANNING COMMISSION MAY 28, 2002 MEETING" and "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION MAY 28, 2002 MEETING", voted to recommend approval of the draft bill, subject to the following conditions:

1. That the hours of operation for the commercial center shall be limited to 6:00 a.m. to 10:00 p.m. on weekdays, and 6:00 a.m. to 12:00 a.m. on Fridays and Saturdays.
2. That only the following uses shall be permitted: Any use permitted in the B-1 neighborhood business district (with the exception of

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liquor stores), antique shops, art galleries, banks (with no exterior ATM machines), business offices and agencies, clinics (medical and dental), dry goods and/or department stores, apparel shops, hardware and garden supply stores, jewelry stores or fine art shops, photo studios, professional and financial buildings, restaurants, cafes, and shoe stores.

3. That no building shall exceed two (2) stories or thirty (30) feet in height. That the floor area ratio shall not exceed fifty (50) percent.
4. That there shall be a front yard of ten feet, side yard of six feet, and a rear yard of six feet; except that for any two-story building, a side yard of ten feet and a rear yard of ten feet shall be required.

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, 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 Director of Public Works and Waste Management; the Deputy Planning Director; a Staff Planner from the Department of Planning; the First Deputy Corporation Counsel; and Rory Frampton, Chris Hart & Partners, Inc., the applicants' consultant.

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Your Committee received verbal testimony in support of the draft bill from 20 members of the public. Your Committee also received 2 verbal testimonies and 22 written testimonies in opposition to the draft bill. Mr. Frampton provided your Committee with a computer-generated slideshow presentation regarding the proposed Change in Zoning, including paper copies of the slides and a colored map depicting the neighboring landowners in support of or opposition to the proposed change-in-zoning request.

Your Committee expressed concern about traffic flows on South Kihei Road near the subject property. Therefore, your Committee voted to recommend approval of a new condition requiring that a left-turn storage lane, as approved by the Department of Public Works and Waste Management, be provided. In addition, your Committee noted that the draft bill's condition limiting the hours of operation omitted Sunday. Consequently, your Committee voted to recommend approval of an amended condition indicating that hours of operation for Sunday through Thursday shall be restricted to 6:00 a.m. to 10:00 p.m. Subject to the indicated revisions, your Committee voted to recommend passage of the draft bill on first reading and filing of County Communication No. 02-185.

Your Committee is in receipt of a revised bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's revisions, and a corresponding unilateral agreement, executed by the applicants.

Your Land Use Committee RECOMMENDS the following:

1. That Bill No. \_\_\_\_\_ (2002), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT WAIQHULI-KEOKEA BEACH HOMESTEADS, KIHEI, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That the County Clerk RECORD the unilateral agreement; and
3. That County Communication No. 02-185 be FILED.

Adoption of this report is respectfully requested.

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**ALAN M. ARAKAWA** Chair

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**ROBERT CARROLL** Member

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**CHARMAINE TAVARES** Member

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