

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

December 6, 2002

**Committee  
Report No.**

02-185

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 28, 2002, makes reference to County Communication No. 02-155, from the Planning Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY RESIDENTIAL TO BUSINESS/COMMERCIAL, FOR PROPERTY SITUATED AT 109 BALDWIN AVENUE, LOWER PAIA, HAMAKUAPOKO, MAUI, HAWAII".

The purpose of the proposed bill is to enact a Community Plan Amendment for approximately 7,265 square feet located at 109 Baldwin Avenue, Lower Paia, Hamakuapoko, Maui (TMK: 2-6-006:014), as requested by `Auku`u Consulting, on behalf of Angela Cochran.

2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO B-CT COUNTRY TOWN BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT 109 BALDWIN AVENUE, LOWER PAIA, HAMAKUAPOKO, MAUI, HAWAII".

The purpose of the proposed bill is to enact a Change in Zoning for approximately 7,265 square feet located at 109 Baldwin Avenue, Lower Paia, Hamakuapoko, Maui (TMK: 2-6-006:014), as requested by `Auku`u Consulting, on behalf of Angela Cochran.

The applicant, `Auku`u Consulting, on behalf of Angela Cochran, is requesting a Community Plan Amendment from Single-Family Residential to

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Business/Commercial and a Change in Zoning from R-1 Residential District to B-CT Country Town Business District, in order to utilize an existing four-bedroom single-family residence for office use, and in the future, demolish or move the existing structure and construct a new one-story retail building with a 1,500-square-foot first floor, a 499-square-foot mezzanine, a driveway, and nine parking stalls.

Your Committee notes that the Maui Planning Commission held a public hearing on the application on February 27, 2001, and another meeting on the application on May 28, 2002. Your Committee notes that on May 28, 2002, the Maui Planning Commission, after reviewing the findings presented in documents entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION FEBRUARY 27, 2001 MEETING", "MAUI PLANNING DEPARTMENT'S CONCLUSIONS OF LAW AND RECOMMENDATION REPORT TO THE MAUI PLANNING COMMISSION FEBRUARY 27, 2000 [sic] MEETING", and "MAUI PLANNING DEPARTMENT'S REVISED REPORT TO THE MAUI PLANNING COMMISSION MAY 28, 2002 MEETING", voted to recommend approval of the requested Community Plan Amendment and, subject to the following conditions, of the requested Change in Zoning:

1. That, prior to commercial use, an archaeological inventory survey be conducted of the subject property to determine if significant historic sites are present. The inventory survey shall be conducted in the form of subsurface testing and shall also include the Historic Resources Inventory Form and photographs of the existing dwelling (exterior and interiors). If mitigation is required, HABS standard black and white (4x5) negatives and (8x10) prints archivally processed may be required. An acceptable report documenting the finds shall be submitted to the State Historic Preservation Division of the Department of Land and Natural Resources (SHPD) for review. If significant historic sites are identified during the survey, a mitigation plan may need to be developed, in consultation with SHPD, and executed. (SHPD comment)
2. That priority be given by the applicant to preserve the dwelling on the site; that the applicant shall seek eligible and worthy registration on the State and National Registers of Historic Places (Historic

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Registers) for the preservation of the structure; that the original tailor shop building be reconstructed provided that the massing of the building be reduced; and, that the subsurface testing shall be completed prior to any ground disturbance for the site including subsurface testing under the existing slab of the former tailor shop after the slab is removed. In this effect, the MCCRC will support the Applicant's application to Historic Registers and will support any variances from current zoning standards, including but not limited to parking, single-family use (if deemed necessary), and setbacks, in order to retain the building on site. (CRC comment)

3. That, should the historic structure be retained and utilized for commercial use, a stucco wall and landscaping shall be installed in the rear of the property abutting the single-family residential lots.
4. That prior to demolition and building permit approval, the Planning Commission in consultation with the Maui County Urban Design Review Board (UDRB) shall review and approve the building, parking, landscaping, signage, and lighting plans; and, that the Planning Commission shall consider the concerns of the neighbor regarding dust, noise, lighting, retention of the large trees on the property, design of the building, and compatibility with the adjacent properties, particularly the single-family residential uses abutting the subject property. No balconies or lanais on the second floor should be permitted and windows should be of a height and size that preserve the privacy of the single-family dwellings abutting the subject property. A wall, a minimum of six feet in height, shall be constructed at the rear property line and a portion of the side rear yard. The side yard wall shall not be less than five feet in length from the rear yard wall. The exterior wall facing the single-family dwellings shall be finished in stucco, paint, or other finish approved by the Planning Commission. With the exception of the parking lot use, all other commercial activities shall be conducted in an enclosed building. The plans shall be in substantial compliance with the plans submitted on April 17, 2002. The applicant shall notify the abutting neighbors of the Planning Commission and the UDRB meetings.

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

1. The applicant has submitted all the necessary information for the Community Plan Amendment application.
2. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the County.
3. The proposed request is consistent with the applicable community plan land use map of the County.
4. The proposed request meets the intent and purpose of the district being requested.
5. 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.
6. 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 Staff Planner from the Department of Planning; the First Deputy Corporation Counsel; and Brook Starr and Hugh Starr of `Auku`u Consulting, the applicant.

Hugh Starr presented a computer-generated slide show providing background information on the application.

Your Committee voted to recommend passage of the proposed bills, as recommended by the Maui Planning Commission, and filing of County Communication No. 02-155.

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Your Committee is in receipt of revised proposed bills, incorporating minor technical revisions to exhibits.

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

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 AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY RESIDENTIAL TO BUSINESS/COMMERCIAL, FOR PROPERTY SITUATED AT 109 BALDWIN AVENUE, LOWER PAIA, HAMAKUAPOKO, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill No. \_\_\_\_\_ (2002), as revised herein and attached hereto entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO B-CT COUNTRY TOWN BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT 109 BALDWIN AVENUE, LOWER PAIA, HAMAKUAPOKO, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That the County Clerk RECORD the Unilateral Agreement and Declaration for Conditional Zoning; and
- 4 That County Communication No. 02-155 be FILED.

Adoption of this report is respectfully requested.

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**ALAN M. ARAKAWA** **Chair**

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**DANNY A. MATEO** **Member**

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**ROBERT CARROLL** **Member**

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**MICHAEL J. MOLINA** **Member**

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**G. RIKI HOKAMA** **Member**

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**WAYNE K. NISHIKI** **Member**

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**JO ANNE JOHNSON** **Member**

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**CHARMAINE TAVARES** **Member**

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**DAIN P. KANE** **Member**