

# LAND USE COMMITTEE

Council of the County of Maui

## MINUTES

November 10, 2009

### Site Inspection

**CONVENE:** 7:00 a.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Gladys C. Baisa, Chair  
Councilmember Michael J. Molina, Vice-Chair  
Councilmember Sol P. Kaho'ohalahala  
Councilmember Danny A. Mateo  
Councilmember Bill Kauakea Medeiros  
Councilmember Wayne K. Nishiki  
Councilmember Joseph Pontanilla  
Councilmember Michael P. Victorino

**EXCUSED:** VOTING MEMBERS:

Councilmember Jo Anne Johnson

**STAFF:**

Carla Nakata, Legislative Attorney  
Jock Yamaguchi, Executive Assistant, Councilmember Wayne Nishiki

**ADMIN.:**

Paul Fasi, Planner, Department of Planning  
Milton Arakawa, Director, Department of Public Works  
James Giroux, Deputy Corporation Counsel, Department of the Corporation  
Counsel (arr. 7:15 a.m.)

**OTHERS:** Item 22:

Sandy Daniells  
Matt Daniells  
Will Spence, The William Spence Company  
Jim Niess, Maui Architectural Group  
Lloyd Fischel  
Bobby Caires  
Joe Caires  
Leo Caires  
Tom C.  
Gregg Blue  
Nate Mayden  
Jocelyn Perreira  
Marlene Caires Apuna

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Fred Amigo  
Wilfred Souza  
Plus (10) other individuals

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**LU-22                    DISTRICT BOUNDARY AMENDMENT AND CHANGE IN  
ZONING FOR HANZAWA'S VARIETY STORE AND ADJACENT  
PROPERTY (HAIKU) (C.C. No. 09-181)**

The Committee assembled at the parking lot fronting the Hanzawa's Variety Store (Hanzawa's) located at 1833 Kaupakalua Road, Haiku, Maui (TMK No. (2) 2-7-014:044 (portion), or Parcel 44).

Chair Baisa convened the site inspection to allow the Committee members an opportunity to view the subject property, which includes both Parcel 44 and TMK No. (2) 2-7-014:052 (Parcel 52), as well as the surrounding area.

Twelve individuals testified.

Lloyd Fischell stated the rezoning was a bad idea, and spot zoning destroys the community. He said the community would love the store to grow, but to change the zoning is a bad idea.

Bobby Caires said the water situation is a problem. He said that water from the back side of the property goes to a culvert and is eroding his property. He said problems need to be corrected, and the effect on fences is allowing cattle to run away. Mr. Caires stated the County is not taking steps to improve the situation. He invited the Committee to walk there and see his concerns. He said water ends up on his family's property, and the more concrete there is, the more flooding there will be. He stated he wanted the change limited to the store expansion.

Joe Caires stated he is a resident of Kaupakalua and has been a customer of Hanzawa's for the last 40 years. He said the community needs the expansion of the store. The site plan shows additional buildings. He wants to keep the old house there. He is concerned about drainage. The more asphalt, the more water will go down. He expressed concerns regarding traffic from the expansion. He suggested traffic be slowed with some kind of berm.

Leo Caires noted a blind turn in the area. He said the County is considering exempting Hanzawa's from road-widening and setback requirements. He said if they are exempt, his family will still need to dedicate land in the future. He said the formula being used is subjective, and safety is a concern. He said he is supportive of the store expansion, but it is hard to look at the prospect of new buildings.

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Tom C. said he lives at the end of Awalau Road. He supports the changes being requested. His property is about a mile from Hanzawa's.

Gregg Blue noted parking in the corner remains the same. There will not be increased traffic exiting the store. The location may house some local businesses so the community could save trips to town. He stated the approvals would help to support the local economy and would provide services for the local community. He said the applicants are not building a K-Mart here. This would save gas to town. He also supports plans that would remove the parking along Kaupakalua Road.

Nate Mayden stated he supports the applications, which would accommodate the business. He supports what they are trying to do. The place will get busier; it has nothing to do with the store itself.

Jocelyn Perreira, representing the Wailuku Main Street Association, said she is strongly in support of the applications. She said she is very familiar with the area, and her family originated in the area. She said this is symptomatic of growth all over the area, including the Haiku area. The impact of not serving the local neighborhood area puts a strain and impact on other areas. Imagine if the community does not have the store to service the area; the community will be going down to Fukushima's and other areas. She stated she lives in this area, and the residents need to learn to share.

Marlene Caires Apuna stated if new development is coming to the area, the first thing that should be done is road widening. She said she is all for the expansion of the store, but as far as not dedicating the road-widening lot, that's wrong. If all neighbors are being required to make such a dedication, then Hanzawa's should provide it too. She said the neighbors have given road-widening lots on both sides of the road, and there is a bottleneck.

Fred Amigo stated he lives two driveways down from Hanzawa's. He said life is too short to be in conflict with neighbors and friends. He wants Matt to be able to do what he wants with the store. He said he is not for the three extra stores.

Jim Niess stated he is the architect for this project. He said he wanted to give a time perspective to the neighborhood. He noted that in the 1970s, Pauwela was empty, and now it's filled with businesses. He said the community needs to move forward.

Wilfred Souza said he is not against building the store bigger; however, there aren't roads to take care of the cars in the area now.

There being no other testifiers, public testimony was closed at 7:30 a.m.

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Chair Baisa provided the Committee with a five-minute period within which to observe traffic in the area of the store. Approximately 16 vehicles passed the store along Kaupakalua Road within that five-minute period.

Mr. Spence noted he had observed the traffic every day for a week starting at about 6:30 a.m. He said on average there were 18 cars passing the store in a five-minute period. He also noted he had come to Hanzawa's yesterday and videotaped the traffic, and there were 18 cars in a five-minute period.

It began to drizzle, and the Committee moved to the carport attached to the store.

Mr. Spence stated that, as far as the site plan goes, he has a survey map of the property that can be rolled out for the Committee to view. He noted the curbside in front of the property, by the pay phone, is within the County right-of-way. He stated Urban roadway standards are 56 feet, and the Daniells would have to dedicate 8 feet. He noted that where the members were sitting earlier during the site inspection would then be within the public right-of-way, which would create a hazard because of a loss of maneuverability. He stated the Fire Code requirements change when a road is that much closer to the building. He noted the Daniells do not want to meet Urban road standards because such standards would not be in keeping with the character of the road. He said the Department of Public Works does not require other neighbors to dedicate road-widening lots just because one neighbor does not.

Mr. Spence stated he would give the members a spreadsheet of his personal count of vehicles on the roadway.

Mr. Spence referred to an enlarged site plan. As part of the new site, Hanzawa's would be eliminating parking on Kaupakalua Road. He noted that the area of the carport represented the area of the store expansion. Hanzawa's would be providing 25 new parking stalls and losing 9 stalls along Kaupakalua Road. Right now, the County Code requires one stall per 500 feet of commercial space. Hanzawa's would be providing more than the required parking, well in excess of what's required by the Maui County Code.

Mr. Spence pointed out the walking paths on the site plan. He said the property owners cannot be responsible for what happens on other property. Buses have been stopping for decades on the road in front of the store. Hanzawa's would be providing space for the buses to pull in.

Mr. Spence noted they are proposing speed tables be installed on either side of the property, which would be very effective in slowing traffic. He also stated he had called the Department of Police, and in the last year, they have not had any incidents in front of the store. He noted there have been a couple of major accidents in Kokomo; at the Haiku Cannery, there were a number of accidents.

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Chair Baisa asked the Director of Public Works why people are parking on the opposite side of Kaupakalua Road. The Director responded that there is no prohibition against parking on that side of the road, noting the Department of Police could be called. Chair Baisa noted she did not think that presents a safe situation.

Member Nishiki asked what the distance is from the edge of the roadway to the building. Mr. Niess responded that it is 19 feet.

Member Nishiki stated the property owner on the other side has dedicated 5 feet, and the Hanzawa's need to dedicate frontage also.

Mr. Spence stated the road-widening lot would include the location where the members were sitting earlier, and would create a traffic hazard and make the building nonconforming.

Member Nishiki stated the narrowness of the road is not acceptable, and in the narrowest area, the width is 18 feet. Mr. Spence stated that if the Department of Public Works wants to pave a couple of feet, the Department can do that.

Mr. Spence pointed out the boundary of the property.

Member Medeiros asked whether the plan is to remove the parking on Kaupakalua Road. Mr. Spence confirmed that the plan is to remove that parking.

Member Medeiros asked whether there are any County requirements regarding traffic signs for the area. Mr. Spence responded that he is not familiar with traffic-sign requirements.

Mr. Spence showed the Committee where the new driveway, parking, loading zone, and truck turnaround areas would be. He noted the parking would be a considerable distance away from the roadway. Mr. Spence pointed out the location of the new septic system. He noted that, beyond the mango tree, there would be accommodation for a 50-year storm retention, which would exceed the County rules by about 30 percent. He stated a 50-year event is a lot of water, which would be retained on site. On the left-hand side of Awalau Road is the County drainage ditch that was being testified about earlier. He said the subject project is not generating any water onto Awalau Road.

Member Kaho'ohalahala asked about the older structure on the property. Mr. Spence stated that the structure is termite infested and unsafe for habitation. He stated it would be costly to make it habitable, and it was not worth the cost of restoration. As for Ralph Hanzawa's house, the Daniells are considering restoring that structure. They don't know how much it will cost to restore. Their intent is to retain that one and demolish the older one.

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Mr. Spence pointed out the County right-of-way, noting the impact to the proximity of the road if the Daniells were to dedicate 8 feet. He pointed out the slope of the land on the property. He also pointed out the location of a utility easement.

There being no further questions or discussion, Chair Baisa adjourned the inspection at 8:07 a.m.

APPROVED:



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GLADYS C. BAISA, Chair  
Land Use Committee

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