

LAND USE COMMITTEE

Council of the County of Maui

MINUTES

June 19, 2013

Council Chamber

CONVENE: 1:35 p.m.

PRESENT: Councilmember Robert Carroll, Chair
Councilmember Don S. Guzman, Vice-Chair
Councilmember Gladys C. Baisa
Councilmember Donald G. Couch, Jr.
Councilmember Stacy Crivello
Councilmember Michael P. Victorino (in 1:37 p.m.)

EXCUSED: Councilmember Elle Cochran
Councilmember G. Riki Hokama
Councilmember Mike White

STAFF: Carla Nakata, Legislative Attorney
Clarita Balala, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

Seated in the gallery:

Morris Haole, Executive Assistant to Councilmember Robert Carroll

ADMIN.: William Spence, Director, Department of Planning
Jeffrey Dack, Planner, Department of Planning
James A. Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel

Seated in the gallery:

Rowena Dagdag-Andaya, Deputy Director, Department of Public Works

Scott English, Lieutenant, Department of Fire and Public Safety

OTHERS: Lawrence Ing, Ing Law Firm
(5) additional attendees

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PRESS: *Akaku: Maui Community Television, Inc.*

CHAIR CARROLL: . . .(*gavel*). . . This Land Use Committee meeting of June 19, 2013, will come to order. I'm Councilmember Robert Carroll, Chair of the Land Use Committee, may I please request first that everybody disables cell phones, ringers or anything that can make noise. With us . . . Committee members with us this morning our Council Chair Gladys Baisa.

COUNCILMEMBER BAISA: Hello, Chair.

CHAIR CARROLL: Stacy Crivello.

COUNCILMEMBER CRIVELLO: Aloha, Chair.

CHAIR CARROLL: Don Couch.

COUNCILMEMBER COUCH: Good afternoon, Chair.

CHAIR CARROLL: And Don Guzman.

VICE-CHAIR GUZMAN: Good afternoon, Chair.

CHAIR CARROLL: Excused this morning [*sic*] are Elle Cochran, Riki Hokama, and Mike White. Mr. Victorino will be joining us shortly. Department of the Corporation Counsel representative we have James Giroux.

MR. GIROUX: Aloha, Chair.

CHAIR CARROLL: With us as Staff, we have Lt. Scott English, Fire Prevention Bureau, Department of Fire and Public Safety. We have Deputy Director of Public Works Rowena Dagdag, and we have Will Spence, Planning Director.

MR. SPENCE: Good afternoon, Chair.

CHAIR CARROLL: Our applicant representative, Lawrence Ing of Ing Law Firm. Committee Staff, we have Carla [*sic*] Balala, Committee Secretary; and Carla Nakata, Legislative Attorney.

**ITEM NO. 12: CHANGE IN ZONING FOR AOA WELLS STREET
PROFESSIONAL CENTER (WAILUKU) (CC 13-174)**

CHAIR CARROLL: Today, we have one item on our agenda for consideration, Change in Zoning for AOA Wells Street Professional Center (Wailuku). Now we'll go to public testimony for individuals who will be testifying in the Chamber, please sign up at the desk on the 8th floor lobby just outside the Chamber door. If you'll be testifying on one of the remote site locations

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testifying on the meeting agenda, please sign up with the district staff at that location. Testimony will be limited to the item listed on the agenda today. Testifiers will be allowed to testify on the item for up to three minutes with one minute to conclude, if requested. When testifying please state your name and the name of any organization you are representing. We have a connection to the district offices so residents from those sites can testify. To be fair, we will rotate through the sites. Members, please remember that participants from the district offices depend on our speaking loudly, clearly, and directly into the microphone. The Chair will request that the Staff there identify themselves. Lanai Office?

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez at the Lanai Office.

CHAIR CARROLL: Thank you. Molokai Office.

MS. ALCON: Good afternoon, this is Ella Alcon on Molokai.

CHAIR CARROLL: And Hana Office.

MS. LONO: Good afternoon, Chair. This is Dawn Lono at the Hana Office.

CHAIR CARROLL: Members, we will now open public testimony. Is there anyone that signed up for public testimony?

MS. BALALA: No.

CHAIR CARROLL: Hana Office, has anybody signed up for public testimony?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

CHAIR CARROLL: Lanai Office, do you have anybody signed up for public testimony?

MS. FERNANDEZ: The Lanai Office has no one waiting to testify.

CHAIR CARROLL: Molokai Office, do you have anyone waiting to testify?

MS. ALCON: There is no one here on Molokai waiting to testify.

CHAIR CARROLL: Thank you. If there are no objections, we will now close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR CARROLL: Thank you. Public testimony is now closed. And joining us is Mr. Victorino.

COUNCILMEMBER VICTORINO: Good afternoon, Chair. Sorry I'm a little late.

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CHAIR CARROLL: The Committee is in receipt of County Communication 13-174, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL TO B-2 COMMUNITY BUSINESS DISTRICT FOR TAX KEY NUMBER (2) 3-4-008:038, WAILUKU, MAUI, HAWAII". The purpose of the proposed bill is to grant a change in zoning from R-1 Residential to B-2 Community District for approximately 7,568 sq. feet of property located at TMK: (2) 3-4-008:038, Wailuku, Maui, Hawaii, to allow for the continued use of the property as parking lot. Department of Planning?

MR. DACK: Good afternoon, Mr. Chair and Members of the Land Use Committee. I'm Jeffrey Dack. I'm Planning Supervisor with the Planning Department. I'm substituting today for Staff Planner Paul Fasi who handled this project through the Department and consideration by the Planning Commission due to illness he has today unfortunately. The site is designated as Community Plan Business in the Wailuku-Kahului Community Plan. It lies in the State Urban District and is currently zoned R-1 Residential as your Chair indicated. The purpose of the proposed CIZ to the B-2 Business District is to correct and reflect existing use of the property as a parking lot and to bring the zoning into conformity with the Business designation in the community plan. The public hearing on the rezoning request was conducted by the Planning Commission on March 12, 2013. One letter in support was received and no letters of opposition had been received by the Planning Department. The letter of support is an exhibit to the Planning Commission's Staff Report which was transmitted to the Council. No person testified at the Planning Commission's public hearing. And this concludes the Department's short summary report.

CHAIR CARROLL: Thank you. Corporation Counsel, do you have any comment?

MR. GIROUX: Not at this time.

CHAIR CARROLL: Thank you. The floor is now open for discussion.

COUNCILMEMBER VICTORINO: Chair? Chair?

CHAIR CARROLL: Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you, Chair. So that I may be clear with this, you're basically saying this is just to, as we would like to say correct the zoning and making it into conformity that we should have had many years ago but just to get it into where we need to have it as a conformed property?

MR. DACK: Yes.

COUNCILMEMBER VICTORINO: So there's nothing . . . they're not adding, subtracting, they're not doing any changes to the property itself?

MR. DACK: No development is proposed. I understand that the applicant does wish to be able to restripe the property along with the adjoining parking lot to mauka of this particular site in order

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to add parking spaces but there's no physical improvements, no changes to the actual site, and possibly the restriping that I'm aware of.

COUNCILMEMBER VICTORINO: Thank you. Chair, I would like to ask the applicant by this restriping that has been stated by the Department, what specifically is going to occur? How many stalls are now going to be put in with this reconfiguration if I may have that question answered, Chair?

CHAIR CARROLL: Is there any objections? No objections, I'll bring down the applicant.

COUNCIL MEMBERS: No objections.

CHAIR CARROLL: Could the applicant or the representative please come down? Identify yourself at the microphone.

MR. ING: Good morning, Mr. Chair, Members of the Committee. I'm Lawrence Ing representing the applicant. If everything goes according to how we would like it to go, we would restripe and we'll have 24 stalls

COUNCILMEMBER VICTORINO: Additional stalls?

MR. ING: Well, 24 additional stalls for use by the current Wells Street Professional Center. It would be used by normally maybe our occupants of our building, the employees, but might be outsiders too.

COUNCILMEMBER VICTORINO: Yeah. You know how precious, Mr. Ing, you know how precious parking stalls are or parking in general in this area is so that's why I'm asking. So you're going to add 24 additional parking stalls whether it's your use or anybody else's use but 24 additional?

MR. ING: Yes.

COUNCILMEMBER VICTORINO: And that's what I wanted to find out. Thank you. That's good news. Thank you, Chair. Thank you, Mr. Ing.

MR. ING: You're welcome.

CHAIR CARROLL: Thank you, Mr. Victorino. Thank you, Mr. Ing. Any further discussion from the floor? Hearing none. I will give my recommendation.

COUNCIL MEMBERS: Recommendation?

CHAIR CARROLL: The Chair will entertain a motion to recommend passage on first reading a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1

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RESIDENTIAL TO B-2 COMMUNITY BUSINESS FOR TAX KEY NUMBER (2) 3-4-008:038, WAILUKU, MAUI, HAWAII”, and filing of the communication. Mr. Guzman?

VICE-CHAIR GUZMAN: Thank you. I would like to make the motion. Thank you.

COUNCILMEMBER VICTORINO: I second that, Mr. Chair.

CHAIR CARROLL: Moved by Mr. Guzman, seconded by Mr. Victorino. Members, the Chair would accept another motion to amend the title of the proposed bill by adding the word “District” after R-1 Residential.

VICE-CHAIR GUZMAN: So moved.

COUNCILMEMBER VICTORINO: Second, Mr. Chair.

CHAIR CARROLL: It’s been moved by Mr. Guzman, seconded by Mr. Victorino. Um . . . we jumped ahead of ourselves. This is going much too fast because I didn’t ask for . . .

VICE-CHAIR GUZMAN: I withdraw the motion.

COUNCILMEMBER COUCH: No. No.

COUNCILMEMBER BAISA: No. No.

COUNCILMEMBER COUCH: We’re right. We’re good.

COUNCILMEMBER VICTORINO: We’re good. We’re okay. Chair, we’re okay.

CHAIR CARROLL: Yeah. Alright, that...no...any discussion on the move to amend?

COUNCILMEMBER VICTORINO: No.

CHAIR CARROLL: All right, voting on the amendment --

COUNCILMEMBER BAISA: Yes.

COUNCILMEMBER COUCH: Yes.

CHAIR CARROLL: --to the main motion.

COUNCILMEMBER BAISA: Yes.

CHAIR CARROLL: All in favor signify by saying “aye”?

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CHAIR CARROLL: Members, I said this was going fast. We're not used to that fast. Any further business we do not have. This Land Use Committee meeting of July...June 19 is adjourned. . . .(gavel). . .

ADJOURN: 1:47 p.m.

APPROVED:



ROBERT CARROLL, CHAIR
Land Use Committee

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Transcribed by: Jo-Ann Sato