

LAND USE COMMITTEE

Council of the County of Maui

MINUTES

August 5, 2015

Council Chamber, 8th Floor

CONVENE: 1:32 p.m.

PRESENT: VOTING MEMBERS:
Councilmember Robert Carroll, Chair
Councilmember Gladys C. Baisa
Councilmember Don Couch
Councilmember Stacy Crivello
Councilmember Don S. Guzman

EXCUSED: VOTING MEMBERS:
Councilmember Michael P. Victorino, Vice-Chair
Councilmember Elle Cochran

STAFF: Scott Jensen, Legislative Analyst
Raynette Yap, Committee Secretary

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

ADMIN.: William Spence, Planning Director, Department of Planning
Paul Fasi, Planner V, Department of Planning
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Janice Welsh, Hula Maui LLC
David Welsh

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

CHAIR CARROLL: . . .*(gavel)*. . . The Land Use Committee will now come to order, August 5, 2015. First of all, please, if anybody has anything to make noise, cell phones or other, please turn it off. We have with us this morning [*sic*], Members: Gladys Baisa --

COUNCILMEMBER BAISA: Good afternoon, Chair.

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CHAIR CARROLL: --afternoon—Member Don Couch --

COUNCILMEMBER COUCH: Good afternoon, Chair.

CHAIR CARROLL: --good afternoon—Stacy Crivello --

COUNCILMEMBER CRIVELLO: Good afternoon, Chair.

CHAIR CARROLL: --good afternoon—and Vice-Chair of the Council, Don Guzman.

COUNCILMEMBER GUZMAN: Good afternoon, Chair.

CHAIR CARROLL: Good afternoon. Excused this morning [sic] we have the Vice-Chair of the Committee, Michael Victorino; Elle Cochran is excused. We also have with us this morning [sic] Paul Fasi, Department of Planning; Mike Hopper, Deputy Corporation Counsel; Mr. Spence, Planning Director.

MR. SPENCE: Good afternoon, Chair.

CHAIR CARROLL: And our applicant, we have the representatives: Janice Welsh, Hula Maui LLC and David Welsh. Committee: we have our Committee Secretary, Raynette Yap, and Scott Jensen our Legislative Analyst. Today we have a single item on our agenda. It involves a request for a Change of Zoning for property located at 2241 West Vineyard Street here in Wailuku. For individuals who will be giving testimony in the Chamber, please sign up at the desk located at the eighth-floor lobby just outside the Chamber door. If you'll be testifying from a remote testimony location specified in the meeting agenda, please sign up with the Council Staff at that location. Testimony will be limited to items on the agenda today. Pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes. When testifying, please state your name and the name of the organization you are representing. Mr. Jensen?

. . . BEGIN PUBLIC TESTIMONY . . .

MR. JENSEN: Mr. Chair, the only testifier signed up thus far is Janice Welsh.

CHAIR CARROLL: Please come to the podium and state your name and any organization that you are representing.

MS. WELSH: My name is Janice Welsh, and I am testifying for Hula Maui LLC. It owns a property at 2241 Vineyard Street, that's West Vineyard. And we have submitted a large portfolio which took us many years to prepare. And if you have any questions...I think it's very complete. If you have any questions, I'd be happy to answer them.

CHAIR CARROLL: Members?

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COUNCILMEMBER BAISA: Not yet.

CHAIR CARROLL: Any clarification to the testifier? None? Thank you very much.

COUNCILMEMBER COUCH: Mr. Chair? Mr. Chair?

CHAIR CARROLL: Oh, excuse me. Mr. Couch?

COUNCILMEMBER COUCH: Is she going to be available for resource after?

CHAIR CARROLL: Yes, she will be here.

COUNCILMEMBER COUCH: Okay, thanks.

CHAIR CARROLL: Thank you.

MS. WELSH: Thank you.

CHAIR CARROLL: We'll now check with the Hana Office. Hana Office, identify yourself. And do you have any testifiers?

MS. LONO: Good afternoon, Chair, this is Dawn Lono at the Hana Office and there is no one waiting to testify.

CHAIR CARROLL: Thank you. Lanai, please identify yourself. And do you have any testifiers?

MS. FERNANDEZ: Good afternoon, Chair, this is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR CARROLL: Thank you. Molokai, please identify yourself. And do you have any testifiers?

MS. ALCON: Good afternoon, Chair, this is Ella Alcon . . . *(no connection)*. . . no one here waiting to testify.

CHAIR CARROLL: Thank you. Members, we have no one else in the Chamber and no one at the remote sites. So with no objection, I will close public testimony.

COUNCILMEMBERS: No objections.

CHAIR CARROLL: Public testimony is now closed.

. . . END OF PUBLIC TESTIMONY . . .

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**ITEM NO. 12: CHANGE IN ZONING FOR PROPERTY LOCATED AT
2241 WEST VINEYARD STREET (WAILUKU) (CC 15-148)**

CHAIR CARROLL: The Committee is in receipt of County Communication 15-148, from Planning Director, transmitting a proposed bill entitled "A Bill for an Ordinance to Change Zoning from the R-1 Residential District to the SBR Service Business Residential District for Property Situated at 2241 West Vineyard Street, Wailuku, Maui, Hawaii." The purpose of the proposed bill is to grant a request from Hula Maui LLC for a Change in Zoning from R-1 Residential District to SBR Service Business Residential District for 11,117 square feet at 2241 West Vineyard Street, Wailuku, Maui, Hawaii. The Committee may consider filing County Communication 15-148 and other related actions. Planning, Mr. Fasi, could you please make the opening remarks.

MR. FASI: Thank you, Chair. The Planning Department would just like to bring to your attention the...there's a current Conditional Permit on the parcel and it has been renewed on three different occasions. At the last renewal, I believe it was mentioned that for the next ten years, it should be adequate time for them to pursue a Conditional Permit; and so that's what we're doing today. It went to the Planning Commission on February 10, 2015 and it passed unanimously, there was no public testimony; that's all the Department has to say. Thank you, Chair.

CHAIR CARROLL: Thank you. Mr. Spence, did you have any comments?

MR. SPENCE: No comment, Mr. Chair, except that the Department supports this, request it implements the Community Plan.

CHAIR CARROLL: Thank you. Members, the floor is now open for discussion. Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Mr. Spence, just out of curiosity, since the computer seems to be extremely slow today, what are the allowed uses in SBR?

CHAIR CARROLL: Mr. Spence?

MR. SPENCE: Good, I was just looking that up. Certainly the...yeah, single-family dwellings, duplex dwellings, greenhouses, truck gardens, nurseries, SBR service establishments, SBR mixed-use establishments, B&Bs, and short-term rentals. And I was going to look up service business establishments, but they're small-scale --

COUNCILMEMBER COUCH: Right.

MR. SPENCE: --types of business uses.

COUNCILMEMBER COUCH: So the...I believe, if that's the property I'm thinking of, that's a...right now is a court reporter, is that the...

MR. SPENCE: Yes.

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COUNCILMEMBER COUCH: Yeah.

MR. SPENCE: Right. It's pretty close there to One Main Plaza.

COUNCILMEMBER COUCH: Right. It's right next door.

MR. SPENCE: Sort of in the shadow.

COUNCILMEMBER COUCH: Okay. I guess my only concern or question to the Department is, are they okay with all those uses if it decides to change, if the court reporter...I don't think it's their business. They're renting it out. I'm assuming they're leasing it out, the dwelling, out. It's kind of a...I've been in there before, so it's...could be a house. You could turn it into a house pretty quickly.

MR. SPENCE: Yeah, you could.

COUNCILMEMBER COUCH: So you're okay with a short-term rental there or a B&B?

MR. SPENCE: Sure.

COUNCILMEMBER COUCH: Okay. Okay, thank you.

CHAIR CARROLL: Any further discussion? Seeing none, the Chair will give his recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR CARROLL: The Chair will entertain a motion to recommend passage on first reading for the proposed bill entitled "A Bill for an Ordinance to Change Zoning from the R-1 Residential District to the SBR Service Business Residential District for Property Situated at 2241 West Vineyard Street, Wailuku, Maui, Hawaii," incorporating any nonsubstantive revisions and to file County Communication 15-148.

COUNCILMEMBER COUCH: Mr. Chair, I move to pass the bill that you read and file County Communication 15-148.

COUNCILMEMBER BAISA: Second.

CHAIR CARROLL: Been moved by Mr. Couch, seconded by Ms. Baisa. Discussion? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I want to thank the applicant and the Department. This is what—again, channeling Mr. Hokama—this is what we would like, people who are doing the use that was in the Community Plan and having to go through the whole Conditional Use Permit. You get the Change in Zoning and get it

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done, and you're done for good. So I want to thank the applicant and thank the Department for getting this through.

CHAIR CARROLL: Thank you. Any further discussion? Seeing none, all in favor of the motion on the floor, please signify by saying, "aye."

COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried, five "ayes," no "noes," motion is carried.

VOTE: AYES: Chair Carroll, Councilmembers Baisa, Couch, Crivello, and Guzman.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Victorino and Councilmember Cochran.

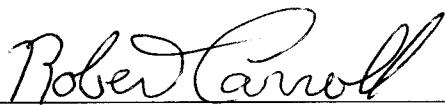
MOTION CARRIED.

ACTION: FIRST READING of bill and FILING of communication.

CHAIR CARROLL: Again, thank you very much. Thank you to the applicant for being here today, and the Committee Members, and the Staff. Having no other business, this meeting stands adjourned. . . .(gavel). . .

ADJOURN: 1:42 p.m.

APPROVED:



ROBERT CARROLL, Chair
Land Use Committee

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Transcribed by: Raynette Yap