

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

July 8, 2008

**Committee
Report No.**

08-73

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Land Use Committee, having met on June 18, 2008, makes reference to County Communication No. 08-41, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM OPEN SPACE DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII".

The purpose of the proposed bill is to grant the Planning Director's request for a Change in Zoning from Open Space District to B-2 Community Business District for an approximately 8,351-square-foot portion of the former Maalaea Store property, to provide consistency with the remaining portion of the property, which is currently zoned B-2 Community Business District, located in Maalaea, Maui, Hawaii (TMK: (2) 3-6-01:025 (portion)) (the subject property). Your Committee notes that the parcel is developed with a single-family dwelling and the vacant old Maalaea Store.

Your Committee notes that the Maui Planning Commission held a public hearing on the Planning Director's request on October 23, 2007.

Your Committee further notes that the Maui Planning Commission, after reviewing the findings presented in the document entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION October 23, 2007" (Department's Report), and the conclusions and recommendation presented in the document entitled "MAUI PLANNING DEPARTMENT'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION October 23, 2007", voted to recommend approval of the Planning Director's request on October 23, 2007, without conditions.

Your Committee further notes that the Council received the transmittal designated as County Communication No. 08-41 from the Planning Director on February 1, 2008. Under Section 8-8.6(4) of the Revised Charter of the County of Maui (1983), as amended, the Council has 180 days after the receipt of the transmittal, or until July 30, 2008, to review and act upon the proposed Change in Zoning.

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By correspondence dated April 3, 2008, the Chair of your Committee requested that the Planning Director explain the basis for determining that the existing zoning for the subject property is “Open Space District”, and indicate when such zoning was granted. The Chair also requested that the Planning Director revise the Land Zoning Map, if necessary, to accurately reflect the existing zoning that applies to the subject property.

By correspondence dated May 8, 2008, the Planning Director advised that the subject property was zoned Open Space by Land Zoning Map No. 5, as adopted by ordinance in 1969. He stated that the zoning categories of OS-1 (Passive Open Space District) or OS-2 (Active Open Space District) do not apply to the subject property because the categories did not exist in 1969. He further stated that the categories of OS-1 and OS-2 were created by ordinance in 2003, with no provision to rezone property zoned Open Space at the time. He also attached a copy of relevant portions of Land Zoning Map No. 5. (The response was replaced in its entirety by the Planning Director’s corrected response dated June 16, 2008, referenced below.)

Your Committee notes that Land Zoning Map No. 5 reflects an “Open Zone” District, as opposed to “Open Space”.

By correspondence dated May 14, 2008, the Chair of your Committee requested that the proposed bill be revised to change references to “Open Space” to “Open Zone”, in accordance with Land Zoning Map No. 5, and to incorporate other technical revisions.

By correspondence dated May 20, 2008, the Department of the Corporation Counsel transmitted a revised proposed bill entitled “A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM OPEN ZONE DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII”, incorporating the requested revisions.

By correspondence dated June 16, 2008, the Planning Director corrected his May 8, 2008 response, noting that the existing zoning for the subject property is Open Zone, and transmitted a revised Land Zoning Map No. L-602, reflecting the proposed Change in Zoning from Open Zone to B-2 Community Business District.

At its meeting, your Committee met with the Planning Director; a Planner, Department of Planning; the Deputy Director of Public Works; a Deputy Corporation

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Counsel; James Uno, one of the owners of the subject property; Rowena Dagdag, Planner, Munekiyo & Hiraga, Inc.; and Michael Munekiyo, President, Munekiyo & Hiraga, Inc.

There was no public testimony.

The Planner provided a historical overview of the request.

Ms. Dagdag provided a computer-generated presentation, along with a printout of the presentation, describing the property and its historical uses, its current and proposed land use designations, and its location at the Maalaea Harbor. She noted that the Open Zone designation applies to that portion of the parcel on which the old Maalaea Store is located. She further noted that the Maalaea Store had been established in the 1920s by members of the Uno family, and that the family-run business closed in 2005.

Ms. Dagdag also provided your Committee with correspondence dated June 18, 2008, clarifying the ownership of the subject property. She advised that the property is owned in fee through partnership by members of the Uno family, which include Grace Kinue Uno, Clifford Soichi Uno, and James Satoru Uno.

Your Committee discussed the chronology of zoning for the subject property, the establishment of Open Space zoning districts in 2003, the fact that an Open Zone District was never established, and the status of properties that had been designated Open Zone on land zoning maps. Your Committee questioned whether such properties should be comprehensively evaluated and rezoned OS-1 (Passive) or OS-2 (Active), or, if such zoning is no longer appropriate, zoned to make them consistent with the applicable community plan.

The Planning Director advised that a comprehensive analysis of other properties designated Open Zone had not been done. He advised that, while he agreed with your Committee's comments, the Department did not have digital maps in place to do such a comprehensive analysis, and that resources needed to be prioritized.

The Deputy Director advised that comments relating to the need for a road-widening lot, contained in Exhibit "4" to the Department's Report, are advisory at this time since the property owners are not currently developing the property. He noted that the two adjacent properties have already provided their road-widening requirements,

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and that if a road-widening lot is later required, the sidewalk in front of the adjacent properties could be extended.

Your Committee voted to recommend passage of the revised proposed bill and filing of the communication.

Your Land Use Committee RECOMMENDS the following:

1. That Bill No. _____ (2008), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM OPEN ZONE DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 08-41 be FILED.

Adoption of this report is respectfully requested.

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