

**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEM C-2
OCTOBER 24, 2017**

Mr. Spence: Yes, Commissioners we're on Public Hearing Item 2, Vintage Rentals, LLC requesting a Community Plan Amendment from Single-Family to Business Commercial, a Change in Zoning from R-1 Residential to B-CT for the Paia Trade Center Project located at 150 Luna Place in Paia and our Staff Planner is Candace Thackerson.

C. PUBLIC HEARINGS (action to be taken after each public hearing.)

- 2. VINTAGE RENTALS, LLC requesting a Community Plan Amendment from Single-Family Residential to Business/Commercial and a Change in Zoning from R-1 Residential District to B-CT Country Town Business District for the Paia Trade Center project, the proposed renovation of an existing single-family to a commercial building located at 150 Luna Place, TMK: 2-6-005: 005, Paia, Island of Maui. (CPA 2016/0002) (CIZ 2016/0001) (C. Thackerson)**

Ms. Candace Thackerson: Aloha Commissioners. So today's purpose is that you guys will be giving your...you'll be reviewing the project and then giving your recommendation onto County Council for the community plan, the proposed community plan amendment and change in zoning for Vintage Rentals.

Just as a refresher I wanted to let you guys know this is the third time the project has been here before. It was here previously for the Draft EA which we gathered your comments and sent out for agency review and then it was before you again for the Final EA which you guys approved a FONSI, a Finding of No Significant Impact. That has been published on the State OEQC website. There was been no formal challenge filed against the FONSI through the State website as of today's date.

So today we're gonna be going over the CPA, the community plan amendment and change in zoning for your recommendation onto Council. There is no associated SM1 for this because the project while it is in the SMA, the scope of the work will probably be a minor and something that we can approve administratively.

The applicant is here as well as the consultant and they will be a doing a short presentation on the project. So I'll just turn it over to them.

Mr. Jordan Hart: Good morning Chair and Members. My name is Jordan Hart of Chris Hart and Partners. Thank you very much for being here in light of the weather. I do want to make a comment just in the context of the weather. We need to make use of the Final Environmental Assessment power point. There would have been some slight updates but our office didn't have electricity this morning and so as a result of that we'll be doing a presentation that's dated July 25 but substantively it's the same, the only difference is that now the Final EA has been granted a FONSI by the Planning Commission and has gone through the publication process.

So with that, Cinco and Tricia Young are the applicants and landowners. They operate Vintage Rentals which is the applicant here. They're here with us today. David Sereda is our landscape architect and Raymond Cabebe is our lead project planner and I'm Jordan Hart from Chris Hart and Partners. Architect is Greg Skog, civil engineer is Linda Taylor and our traffic engineer is Phillip Rowell. Unfortunately, Phillip has had some health issues recently after completing this report and so he hasn't been able to be here with us in prior meetings and he wasn't able to be here today. We have reached out to another traffic engineer to be able to continue to represent the project but we don't have one today.

So the requested action is a Change in Zoning. The current designation is Single-Family, it's R-1. We're requesting a Change in Zoning to Country-Town Business and a Community Plan Amendment from Single-Family to Business Commercial. Preparation or processing of a community plan amendment is a trigger for Environmental Assessment and so we've done that process. We got a Finding of No Significant Impact. We are in the Special Management Area but as I'll show you the proposed action is a renovation of the existing single family residence and so the dollar value is less than \$500,000 which qualifies for an SMA Minor Permit. So that's why we're not doing an SMA Major Permit along with the other applications that we are doing, but we did do an Environmental Assessment which is a robust analysis process and it actually requires more technical studies than an SMA Major Permit.

So the project is right on Hana Highway in Paia. I'm just gonna kinda skip through some of these, the tax map key. You can see the pattern of development. So basically abutting Hana Highway there are commercial uses on both sides of the street. To the Haiku side of this project there is a church which is Public/Quasi-Public use and so there's basically a non-residential use on both sides of the property and on both sides of Hana Highway. And so what we're proposing to do is change that final piece that's Single-Family abutting Hana Highway from Single-Family to Commercial.

So this is the Community Plan designation. You can see where single-family if you take a look at the red dot that's the project site to the east or the Haiku side is Public/Quasi-Public and then to the west which is the Kahului side is Commercial. And so there's just this single home that's got a private road on one side and is facing Hana Highway. It's has the parking lot for Charley's is its neighbor and then it has a church property as its neighbor on the Haiku side.

This is the land use map so the red is the Commercial, the blue is Public/Quasi-Public and then you can see on the north side of Hana Highway which is the makai side in Paia all the properties across the street are all commercial and so you know this is the last lone single-family parcel and we're basically asking to take that out of Single-Family and put it into a Country Town business scale commercial operation.

So I discussed the triggers for Environmental Assessment the community plan amendment. We presented some of the time line for the project. We presented the Draft Environmental Assessment in November of 2016. We received comments from the Planning Commission, responded to those comments. We also received comments from State and County agencies. We went to the Urban Design Review Board two times and received comments from them. We went two times because there was a rendering face, the west face of the structure we didn't have

a rendering for it and that was because in order to take a photograph of it from Luna there was really...anyway, long story short they wanted to see one additional rendering so we had two meetings there. We went back to them to show that additional rendering and received a recommendation for approval. The Maui County Council is the final approving agency or body for the land use designation changes.

The County agencies that commented on the project as it is proposed now are the Department of Environmental Management, Housing and Human Concerns, Department of Public Works which administers roadways and right of ways, the County of Maui Department of Transportation, the County of Maui Department of Water Supply, State of Hawaii Department of Accounting and General Services, State Department of Health, State Office of Environmental Quality Control and the State Office of Planning.

We did receive comment from neighbors on Luna Place during the Draft EA process. There was a concern that Luna Place was too narrow. The applicant proposes to pave Luna Place up to the project from the back end of the project up to the intersection with Hana Highway. There was a concern that parking on Luna Place would hamper emergency vehicles and access. The applicant will add additional no parking signs to Luna Place and then there was a concern that traffic drives down Luna Place down to the dead end of the street and basically you know, has no reason to be down there and interferes with the general enjoyment of the community and so the applicant's proposing to add signage at the end of their property instructing people that the remainder of Luna Place is a private driveway and encouraging them to turn around within the project parking lot. I'll show you a diagram of that.

So we are talking about actually a very small parcel. This is 4,402 square feet. There's an existing 948 square foot single family residence which is the same structure that's going to remain and is proposed to be converted into a commercial building. And there's a 221 square foot garage and a small storage structure. The garage and the storage structure are proposed to be demolished.

These are photographs of the project site. This is looking at...upper left is looking at Luna Place from across Hana Highway with your back to what was Paia General. On the upper right is with your back to the Charley's parking lot looking at the back parking area. On the lower left you have your back heading mauka up Luna Place and you're looking makai at the backside of the project site and then on the lower right you have your back to Luna Place and you're looking across at what used to be Paia General.

On the upper left photograph you are across Hana Highway looking at Luna Place and the parking lot of Charley's. And so this is kinda what I was explaining as far as the relationship of commercial bar operation parking lot and residential use. It's not exactly the ideal use, and so we believe that changing it to a commercial use is appropriate for the pattern of development and the existing uses that are surrounding. The upper right photograph is looking towards Kahului. The upper...the lower left photograph is looking towards the Paia Fire Station past the project site and then the lower right is looking again towards Kahului on the mauka side of Hana Highway.

This is a survey of the project site. You can see it's a relatively small parcel and then there's a single family residence that dominates the center of the project site. That residence is going to

be converted into the commercial building or is proposed to be. This is a head on photograph of the building.

This is the proposed site plan. So basically there are three parking stalls proposed in the back in the location where the garage currently is, one ADA stall and then an ADA accessibility ramp on the west side which is the Luna Place side. You can see it let's see here, here is an ADA ramp and then there's going to be a front deck. Those are the improvements that are proposed as a result of this project. There's also going to be landscape improvements including planting a tree to comply with the County's parking ordinance.

This is the landscape plan imposed over the existing project site so you basically have the existing dwelling, one required parking...one required tree for the parking lot and then three additional trees proposed, three stalls. There's a ADA ramp would be under those trees on the west side of the property and then there's that front deck that's gonna be on the Hana Highway side.

This diagram shows the existing single family residence on the left and the proposed open floor plan with a restroom on the south end of the building and then the ramp is on the west end.

This is a rendering of the proposed project which basically just removes the existing fence, patch, scrape and paint the existing building and converts it into a commercial operation the existing structure. There's a deck added on. This is the south elevation. This east elevation is the reason we went to Urban Design Review Board two times. They were trying to understand what the treatment of the east side was going to be because of the fence on the Charley's parking lot we couldn't get a photograph that had the perspective of the east or the west...sorry the east...the west elevation excuse me, in order to impose the proposed design on top of it. So we had to settle for showing them the rendering and showing them a panoramic view of the corner.

So again the street elevation in relation to Charley's it's consistent with the existing character of the community. It's going to be consistent with the Paia Town Design Guidelines. As discussed three stalls are proposed, a small 45-square foot porch and a 80-square foot pedestrian entrance. Door and window details will comply with the Paia Town Design Guidelines. The residence is existing and has been there for some time. The roof is gonna remain. The site plan again. The plant selection is consistent with the Maui County Planting Plan, third edition and appropriate for the region. It's an existing water meter and a four-inch fire line installed. There's access to sewer. Drainage is gonna increase by .08 cubic feet per second and it's gonna be contained on site in retention. The main access is off of Luna Place which is a driveway and the County and State have no requirements for the improvement of Luna Place. The applicant is proposing to pave the full width of Luna Place to the extent of the project's boundary. There's also one thing to emphasize is that the fence that surrounds the private residence right now is approximately six feet high. It currently does inhibit sight distance and so when the three-foot fence is added and replaces that it will improve sight distance looking towards Haiku.

We had a traffic engineer prepare a study. We had comment from the Police Department. The comment from the Police Department was concern on vehicle and pedestrian movement during construction phase. They had no concern or statements of warning regarding the operation phase of the project site. The peak hours that were measured was 7:30 a.m. to 8:30 a.m. There were

1,110 vehicles that passed during the peak. Now that is on Hana Highway. Hana Highway is uncontrolled in this area so it's basically a T-intersection Luna Place with Hana Highway. In the afternoon 4:00 p.m. to 5:00 p.m., there was 1,347 vehicles. The way the traffic analysis was done...what we're requesting is outright zoning so the proposed action is a retail or office use because of our parking we're not able to provide adequate parking for any uses beyond that. As you saw the property is small. We did try to work with the Department to see if there was any methods to address that beforehand and the conclusion was that the only way to do it is to provide the amount of parking that we can onsite, the applicant wanted to preserve the existing residence and convert that into a commercial structure rather than demolishing an existing building and reconstructing new. And so that really, that really dictates what can be operated there under existing conditions. And so we used the most intense amount of vehicle generation when we did our traffic impact assessment report and that was for a restaurant which cannot be developed here under existing conditions, but that results in ten a.m. trips and nine p.m. trips.

So this is some explanation of what level of service is. So level of service is basically a grade for any intersection and it's based on the amount of time that a vehicle has to wait to pass through the intersection. Long story short there's no impacts whatsoever to Hana Highway. It remains operating as an A. The Luna Place does operate at levels of service below C and that's because there's no stop light there and it's...you know, Hana Highway is prime highway through the region and this is a side private street that serves a few properties. The wait durations that you see are what was measured, 25.9 seconds, 24.9, 35 and so on.

So in conclusion we did a thorough analysis of the infrastructure and environmental impacts from the proposed action. The Planning Commission granted a Finding of No Significant Impact. We do feel that the proposed change in zoning and community plan amendment are consistent with the land use pattern that's existing in the area and it's also consistent with the evolution of Paia Town. You know there was a time when Paia Town was a plantation town and the plantation is closed now and there are a lot of tourist that use that area now. They walk up and down Hana Highway and this is an opportunity to basically complete the consistency of the uses on Hana Highway in that area and convert an existing property that's maybe not the most ideal location for a single family residence abutting a bar or parking lot but could be functioning quite well as a retail or commercial space. That concludes my presentation. Thank you.

Chair Duvauchelle: Thank you Jordan. At this time, we will open up the floor for public testimony on Item C-2. We have registered to testify Lance Holter.

a) Public Hearing

Chair Duvauchelle: Please state your name and you'll have three minutes of testimony time.

Mr. Lance Holter: Yeah, hello my name is Lance Holter. I've been a 33 resident of Paia, 23 resident, year resident of Luna Place and have been the President of the Luna Place Road Association since 2000. I want to mention that I have never been noticed about the Draft EA meeting, the FONSI meeting nor the Paia Town meeting. I'm with the 500-foot radius where my residence is and I'm the adjacent manager of the road association which manages the road for

easements and so forth. Had I been, I would have contributed my concerns and my concern is and I have some photographs I'd like to provide if it's possible Madam Chair?

Chair Duvauchelle: You can give them to Candace.

Mr. Holter: And this is in regards to the vehicular access in and out of Luna Place and also the continual situation of tenants at 150 Luna Place parking on Luna Place preventing trash and utility services to our roadway and some of the...in cases, some of them spending two, three nights with their cars parked in the road. Even though I've repeatedly I asked the landlords to please stop people from staying on that road. Now I purchased many, many signs. I've been put signage on the stop sign and still nothing has been resolved. And so, I also want to add that the last part of July your former County attorney Bennie D'Enbeau was run over in the sidewalk by a car coming out of Luna Place and this is because there's a telephone pole right on the edge of Luna Place that prevents you from looking west down Hana Highway and so it's a impact which I think we need to consider of this ingress and egress of this residence. Further, there's nothing that stops this commercial development from becoming a larger commercial development for example, maybe a two-story commercial development.

Presently there's two parking space and one handicapped parking space. Now where the shopkeeper or the office people would park I'm not sure because there's only presently two parking spaces for private or public use. In past meetings regarding the Paia Town Center I spoke at the County Council...I mean at the Planning Commission and also at the County Council and they placed a condition on Luna Place to the Paia Town Center that there would be no public or employee parking from their development on Luna Place. They also agreed to remove access to their former residence and no longer use Luna Place for access. So I respectfully request that at least at the very least this condition be placed on the development that they monitor and prevent any of their employees or any of their people coming to that property of using Luna Place as a parking area. Thank you very much.

Chair Duvauchelle: Thank you. Any questions for Mr. Holter? Thank you. Candace would make sure that the applicant is able to get a set of the photos that Mr. Holter passed out? Thank you. All right, thank you very much. Next testifier, James Huntington?

Mr. James Huntington: Aloha, good morning. I'm James Huntington and I live at 15 Luna Place so I'm directly adjacent behind the property there. And I just wanted to tell you that I'm not summarily opposed to a commercial rezoning. That it seems like a very reasonable thing but I still have concerns of the roadway and the traffic it's going to bring. The problem we have now is that it really requires a very vigilant, constant policing of that roadway to keep it clear. There are at least 16 homes, maybe it's 15 now but they're older vintage wood construction homes and any vehicle parked in that roadway would prevent the Fire Department from getting in and emergency vehicles from getting in and I think that's a really important thing to consider. I realize that it's a private roadway and I don't know how much of a concern that is for you. It's not a public roadway but still that really would impact the rest of us. So I guess I'm not completely convinced that just the paving of that first area and a few signs is gonna solve that problem. It certainly is ongoing today. I do like that they're keeping the existing plantation cottage. I think that the charm of Paia is really about the old original structures. I think it's really important. It's not just the bigger, fancy

Victorian mansions like the Baldwin Estate. To me, plantation architecture like that is so important to I think so many people that have grown up here and you know they really made Maui what it is so really like that they're keeping that and refurbishing it. But one concern is the future. Once it's rezoned Commercial is it's my understanding is that it really just changes the setbacks you know to a commercial setback and then at some future point it's possible to just create another one of those new buildings that's there that go up 30 feet and so I don't know if there's any consideration for that. I realize they're not asking for that now, but I just think it seems to me it sort of clears the way for that and it would be a shame to lose another plantation cottage in Paia. And you know, in my home which is not historic, it was actually moved there it was two homes that were combined and stuff so I've spent a considerable amount of effort and money refurbishing it just because I just think it's really important to keep those older homes. But thank you very much for listening.

Chair Duvauchelle: Thank you. Any questions for Mr. Huntington? Thank you very much. Our next testifier is Francine Aarona. I'll open the floor for public testimony after all of the...this people who signed up are finished. Good morning, state your name, you'll have three minutes.

Ms. Francine Aarona: Aloha Madam Chairman, Commissioners my name is Francine Aarona also known as Aunty Mopsy, Protect Paia. Protecting Paia has become a journey of passion and love for the aina and its people. We can no longer call it historical town expect for Hew Store that remains boarded up. No saimin, no hot bread. Mom and pop stores are gone. What do we have today? A lot of boutiques, t-shirts, jewelry store and a lot of vacation rentals and commercial businesses that we don't need. Private owners, LLC partnerships come with intentions of building their bank account. I am very upset with the information that has been shared by Vintage Rentals of the community's acceptance of their project. Three-fourths of the community have no idea of their intent and unless you become an activist like myself and consistently keep track of the meetings that are held, it gets lost in the shuffle.

What is the County's intent in allowing developers to amend the community plan that was designed to keep life simple and sustainable for its people, to hang onto the culture and sacredness of the aina? And what is the board of commission's intent in your decision to allow more growth where it is not welcomed. Have a meeting with the community and find out for yourself. My intention in being here is to be a voice for the people of Paia and of Maui. To tell you who sit on the board, the Planning Department to stop amending plans until you finish the Maui plan. It has already been proven that the plans contradict itself with the short-term rentals. This project on Luna Lane has created intentions of other residents to get a permit for short-term rentals. No matter how hard we try to forget about the overthrow of our islands, the intentions of those who come with the attitude I want what you have and I'm gonna take it. Our way of our life, our mannerisms become one of intent. So we continue to fight like warriors to hang onto what is ours. I ask you not to defer but to stop this project. They can always do a long-term rental. Mahalo for listening.

Chair Duvauchelle: Thank you. Any questions? Thank you very much. Anybody else wishing to testify please come forward, state your name and you'll have three minutes.

Mr. Steve Paselk: Good morning, I am Steve Paselk and I speak in opposition as a homeowner at 19 Luna Place and I speak on behalf of the concerns of 42 homeowners, renters and business

owners within 500 square feet who could not be here today. Nine out of 13 homeowners on Luna Place are currently opposed to this project. Luna Place is a rural country town neighborhood of mostly historic plantation era homes on a one-lane private gravel road. Residents embrace the benefits of close proximity to town but also value boundaries, protection of residential property rights and the quiet enjoyment of our neighborhood without the intrusion of commercial traffic.

A business here will invite and exacerbate an existing town overflow parking problem as evidenced by 16 no parking signs up and down our road. A successful high turnover business such as a deli food, take out store using three parking stalls each turning over every 30 minutes would generate 60 visits to our road per day and many difficult left-hand turns onto congested Hana Highway at a crosswalk creating a potentially dangerous hazard and bottleneck.

I submit to you for public record 42 signed testimonies of opposition from homeowners, renters and business owners within 500 square feet. I can attest to strong community sentiments and concerns about Hana Highway congestion, lack of town parking, pressure from increased commercial development and growing tourist impact on our town and quality of life. Please do a site visit and experience a left-hand turn onto Hana Highway before deciding. Please listen to the concerns of the community and solve traffic and parking issues before approving new commercial development and please listen to nine out of 13 property owners on Luna Place that currently oppose this and preserve the integrity of the Luna Place residential neighborhood. Thank you for listening.

Chair Duvauchelle: Any questions? Thank you very much. Thank you. Anybody else wishing to testify on this agenda item please come forward? Okay, seeing none, we'll close public testimony. Questions and discussion from the Commissioners? We're making a recommendation to Council. This is what our role is today. Okay, you know what that's not a bad idea. We're gonna take a five-minute recess at this time so we can pass that around and we'll reconvene at 11:07.

A recess was called at 11:02 a.m., and the meeting was reconvened at 11:07 a.m.

Chair Duvauchelle: Okay, Planning Commission will go back in session. So where we were is the moment of questions or discussion from the Commissioners regarding the request. Okay, do we take the Department's recommendation at this point? Okay, Candace give us the Department's recommendation.

Ms. Thackerson: The Planning Department recommends to the Maui Planning Commission that it recommend approval onto the Maui County Council for the change in zoning from R-1 Residential to Country Town Business as well as the community plan amendment from Single-Family to Business Commercial and that you recommend approval onto Council.

Chair Duvauchelle: Thank you. Any discussion or a motion? Commissioner Carnicelli?

Mr. Carnicelli: I'm gonna go ahead and make a motion to approve as recommended by Staff.

Vice-Chair Higashi: Second.

Chair Duvauchelle: Thank you. We have a motion to approve by Commissioner Carnicelli, a second by Commissioner Higashi. Would you like to have discussion on the motion? Commissioner Carnicelli?

Mr. Carnicelli: So I'll start the conversation. To me this is an interesting one. I mean, I understand the concerns of the residents of the Paia, I understand the concerns of the residents of Luna Place. The thing that's interesting is what most people are bringing up parking's bad in Paia. It's a nightmare in Paia. Traffic is a nightmare in Paia. The character of the town has completely changed. It's not what it was. You know there's like two things left in Paia for local people. You know all that that stuff is true. Is this one house going to save Paia? Is it gonna completely decimate Paia? You know those are the things that I guess I'm trying to mull over in my mind. What is the highest and best use for this one particular property sandwiched between a church and a bar right on the road where we do have shops on all around it, across the street? You know the character of the town is important and yet I feel as though what this one particular property can do and you know what is the highest and best use they sort of jumped through all the hoops and quite honestly we're recommendation and so I think this is one of those things that at least for me I'm gonna go ahead and vote in favor of the motion to move this onto Council and let them make the final decision.

Chair Duvauchelle: Thank you. Any other? Commissioner Higashi?

Vice-Chair Higashi: I recommended, seconding the motion based upon the fact that this particular property is appropriately situated in a commercial area. It is not directly involved in residences although it was residence earlier. But I think the location of it...yeah, parking is a problem with Paia anyway and I know that behind Charley's Restaurant there is public parking if you really need parking for the use of the facility or visiting it so I see it as something that can be done.

Chair Duvauchelle: Thank you. Any further discussion? Commissioner Hudson?

Mr. Hudson: I will not be in favor of the recommendation. Luna Place is adjacent to the bar that's true, but rural and town eventually have to be adjacent some place. It's zoned as a residential right now. My concern is the neighbors right in back of it and three of the four people that testified today are actual neighbors that live there and there's nobody that's gonna tell me that it's not gonna have an impact on that tiny itsy, bitsy, little roadway. There's nobody that's gonna tell me that it's not gonna change the neighborhood. Just looking at it you know it's gonna change. I understand where my fellow commissioners are coming from. One house is not gonna save it that's true, but one house could be a crack that moves along and causes more cracks. You take one down and then another one because one house isn't gonna change it, one house isn't gonna change it, one house is gonna, well 30 houses might. I think no, I can't support it. I can't support it because I think it's gonna be detrimental to the neighborhood that exists over there. Thank you.

Chair Duvauchelle: Thank you Commissioner Hudson. Commissioner Robinson?

Mr. Robinson: I think the owner of this property went through the process the correct way. I think this is the third time in front of us. You know the applications, you know they have their visions

and they weren't trying to slide anything or being a illegal rental and commend that of anybody doing that. Having said that I'm not for changing homes into commercial especially in Paia. Paia needs to make a decision, this community plan as a community. They need to decide what they want the community to be. It is not the Paia...(inaudible)...we all know that. What it's gonna be I don't know. I don't even go to Paia any more, tell you the truth I don't like it. I think it's crowded. I think locals and tourist really don't get along there. I think the crime rate and the violence that happens there is a portion of that. I think it's getting commercialized and you know, it's...so it's not something that I think I want to be around. I'm not trying to knock Paia down but it's just, when you have a idea of what something used to be, there's other areas on the island that aren't tainted that way. I think the Council is also gonna have a challenge with this because it's going into commercial and I think my recommendation to the applicant is get everything ready and see what the community plan holds, see what the community says and if they're with you and the community wants to move it a certain way then people who are opposed might unfortunately have to be...you know, decide something else, but I won't be in support of it either. Thank you.

Chair Duvauchelle: Any further discussion? All right, Director would you like to repeat the motion?

Mr. Spence: The motion is to recommend approval to the County Council for both the Community Plan Amendment and the Change in Zoning.

Chair Duvauchelle: All those in favor of the motion please raise your hand?

Mr. Spence: That's two ayes. Opposed?

Chair Duvauchelle: Opposed?

Mr. Spence: That's three opposed. Motion fails.

It was moved by Mr. Carnicelli, seconded by Mr. Higashi, and

The Motion to Recommend Approval of the Community Plan Amendment and Change in Zoning to the County Council, FAILED.

(Assenting – L. Carnicelli, R. Higashi)

(Dissenting – L. Hudson, K. Robinson, C. Tackett)

(Excused – T. Gomes, S. Castro)

Chair Duvauchelle: Thank you. Do we have another motion on the floor? Commissioner Carnicelli?

Mr. Carnicelli: Move to deny.

Chair Duvauchelle: Thank you.

Mr. Hudson: Second.

Chair Duvauchelle: Motion to deny by Commissioner Carnicelli, seconded by Commissioner Hudson. Any other discussion? Commissioner Carnicelli?

Mr. Carnicelli: I may sound like I'm standing on both sides of the fence here but you know it is a very sensitive issue, but I think that where I stand with this is when you come to the fork in the road you can go left, you can go right, you can go backwards or you can just keep standing where you are. I don't think that it's fair to anybody to just keep kicking the can on this. To think like okay, we're gonna end up with seven people here and we're gonna get, you know a bunch of votes and we're gonna be able to actually have a debate. I think when we have bare quorum, five, six people, we gotta make decisions just so people can move on with their lives. I just think that's what's fair. I may not agree with the decision. I may not like it, but I think that we live in a society where majority rules and unfortunately when we're at a bare quorum minority rules you know 'cause you can just force your own hand. So in a way is...if we have five people here that want to deny this then, that may not be what I completely agree with but I can also understand it. So I think for the sake of the conversation and for the sake of everyone that rather than just saying hey, let's defer this, let's try and make a decision.

Chair Duvauchelle: Thank you. Any further discussion? Okay, Director?

Mr. Spence: The motion is to recommend denial of the Change in Zoning and the Community Plan Amendment to the County Council.

Chair Duvauchelle: Okay all those in favor please raise their hand?

Mr. Spence: That's three ayes.

Chair Duvauchelle: Opposed?

Mr. Spence: One opposed and one abstention that's four ayes.

Chair Duvauchelle: This is when it's no fun to get to be the Chair. I actually...I understand the challenges too, but also agree with Commissioner Carnicelli's earlier statement about the location, the usage and the sensitivity, so I would not be in favor of this motion to deny.

Mr. Spence: So the motion fails.

It was then moved by Mr. Carnicelli, seconded by Mr. Hudson, and

The Motion to Recommend Denial of the Community Plan Amendment and Change in Zoning to the County Council, FAILED.

(Assenting – L. Carnicelli, L. Hudson, K. Robinson, C. Tackett)

(Dissenting – R. Higashi, S. Duvauchelle)

(Excused – T. Gomes, S. Castro)

Mr. Spence: Madam Chair we could send, I mean, unless somebody wants to make another motion we go ahead and send this to the County Council with no recommendation noting this is something that the Commission struggled with and with six members present, et cetera, seven...six members present.

Chair Duvauchelle: Would Commissioners be in favor? Commissioner Hudson?

Mr. Hudson: I would make that motion no recommendation either way.

Chair Duvauchelle: Okay. So do I have a second?

Mr. Carnicelli: Second.

Chair Duvauchelle: Moved by Commissioner Hudson, seconded by Commissioner Carnicelli. Director the motion is?

Mr. Spence: Is to make no recommendation to the County Council.

Chair Duvauchelle: All those in favor please raise your hand.

Mr. Robinson: One second. Make no recommendation or not able to agree on a recommendation.

Mr. Hudson: Yeah...(inaudible)...

Mr. Robinson: Well, he's saying that we don't have a recommendation.

Chair Duvauchelle: Please speak into the microphone Keaka, you guys, speak in your microphones.

Mr. Hudson: I believe the motion was that we struggled with it and we're not making a recommendation either way.

Chair Duvauchelle: Commissioner Higashi?

Vice-Chair Higashi: At this point I feel that we are emotionally not stable with one or the other and I recommend that we let the County Council make that decision.

Chair Duvauchelle: So the motion is to make no recommendation to County Council. All those in favor please raise your hand. That's five ayes.

Mr. Spence: That's five ayes.

Chair Duvauchelle: Motion carries.

It was moved by Mr. Hudson, seconded by Mr. Carnicelli, then

**VOTED: That No Recommendation Be Made to the County Council on the
Community Plan Amendment and Change in Zoning.
(Assenting – L. Hudson, L. Carnicelli, K. Robinson, C. Tackett,
R. Higashi)
(Excused – T. Gomes, S. Castro)**

Submitted by,

Carolyn Takayama-Corden
Secretary to Boards & Commissions II