

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

January 11, 2008

Committee
Report No.

_____ 08-8

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

Chair and Members:

Your Land Use Committee, having met on December 19, 2007, makes reference to County Communication No. 07-24, from the Planning Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM SINGLE FAMILY RESIDENTIAL TO BUSINESS/COMMERCIAL FOR PROPERTY SITUATED AT PAIA, MAUI, HAWAII" (Community Plan Amendment bill).

The purpose of the proposed Community Plan Amendment bill is to grant a request from Grace Condos, on behalf of 120 Hanna Hwy., LLC (the property owner), for a Community Plan Amendment from Single-Family to Business/Commercial for properties located at 142 Hana Highway, 20 Luna Place, and 24 Luna Place, Paia, Maui, Hawaii (TMK: (2) 2-6-05:004 (Parcel 4) (por.), (2) 2-6-05:109 (Parcel 109), and (2) 2-6-05:025 (Parcel 25)), collectively comprising approximately 13,334 square feet (the subject property), in order to redevelop the Paia Town Center.

2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO B-CT COUNTRY TOWN BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT PAIA, MAUI, HAWAII" (Change in Zoning bill).

The purpose of the proposed Change in Zoning bill is to grant a request from Grace Condos, on behalf of 120 Hanna Hwy., LLC, for a Change in Zoning from Interim District to B-CT Country Town Business District for the subject property, in order to redevelop the Paia Town Center.

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

January 11, 2008
Page 2

Committee
Report No. 08-8

Your Committee notes that the Paia Town Center will also encompass properties located at 120 Hana Highway and the remainder of 142 Hana Highway (TMK: (2) 2-6-05:033 (Parcel 33) and (2) 2-6-05:004 (por.)), which currently have the appropriate community plan and zoning designations, and therefore, are not incorporated in these applications.

Your Committee further notes that the Maui Planning Commission held a public hearing on the application on March 14, 2006.

Your Committee further notes that at its meeting of March 14, 2006, the Maui Planning Commission, after reviewing the findings presented in the document entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION MARCH 14, 2006 MEETING" (Department's Report) and the conclusions presented in the document entitled "MAUI PLANNING DEPARTMENT'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION March 14, 2006 MEETING", voted to recommend approval of the Community Plan Amendment and Change in Zoning, subject to a single condition of zoning, as follows: "Vehicular access from Luna Place shall be prohibited."

By correspondence dated October 2, 2007, the Chair of your Committee requested that the Department of the Corporation Counsel revise the proposed bills to incorporate nonsubstantive corrections.

By correspondence dated October 2, 2007, the Chair of your Committee requested that the Planning Director transmit two copies of the Final Environmental Assessment (FEA) for the project; a copy of written responses to departmental and agency comments received from or on behalf of the applicant; and a revised Community Plan Map and a revised Land Zoning Map to correct errors in the square footage for one of the parcels. The Chair also requested clarification as to whether Parcel 33 is included in either the Community Plan Amendment or Change in Zoning request, and confirmation of the current zoning and Community Plan designation for that parcel; a response as to whether the December 1, 2006 amendments to Chapter 19.15, Maui County Code (MCC), would have any impact on the project; an explanation concerning a size discrepancy in the portion of Parcel 4 that is subject to these applications; and a response as to whether the condition of zoning is also intended to prohibit vehicular access onto Luna Place.

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

January 11, 2008
Page 3

Committee
Report No. 08-8

By correspondence dated October 8, 2007, the Department of the Corporation Counsel transmitted the following revised proposed bills, incorporating the requested revisions:

1. "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO BUSINESS/COMMERCIAL FOR PROPERTY SITUATED AT PAIA, MAUI, HAWAII"; and
2. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO B-CT COUNTRY TOWN BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT PAIA, MAUI, HAWAII".

By correspondence dated November 5, 2007, the Planning Director transmitted two copies of the FEA, noting that it includes the applicant's responses to departmental and agency comment letters. The Planning Director also transmitted a copy of the revised Community Plan Map and revised Land Zoning Map.

In his correspondence, the Planning Director confirmed that Parcel 33 is not included in either the Community Plan Amendment or Change in Zoning application, and cited to Community Plan and zoning designations for the parcel that are consistent with its business use. He noted that the only impact of the intervening amendments to Chapter 19.15, MCC, would be that the subject property must follow the requirements of the Chapter. The Planning Director explained that the 5,194-square-foot measurement identified on the maps and proposed bills is based on an actual land survey. He further explained that the intent of the condition of zoning is to prohibit all project-related vehicular access to and from Luna Place, and that access to Parcels 109 and 25 would be provided by an access easement through Parcel 4, which is adjacent to Hana Highway.

By correspondence dated November 6, 2007, the Chair of your Committee transmitted correspondence dated October 30, 2007 from William Frampton, Project Manager, Frampton & Ward, LLC, providing additional information relating to the project.

By correspondence dated December 4, 2007, Ed Thielk, President, Mana Health Foods, Inc., provided testimony in support of the applications.

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

January 11, 2008
Page 4

Committee
Report No. _____ 08-8

By correspondence dated December 19, 2007, Jocelyn Perreira, Executive Director/Tri-Isle Main Street Program Coordinator, Wailuku Main Street Association, Inc. – Tri-Isle Main Street Resource Center (Tri-Isle), provided testimony in support of the project.

At its meeting, your Committee met with the Deputy Planning Director; the Deputy Director of Public Works; a Sergeant, Department of Police; a Lieutenant, Department of Fire and Public Safety; a Deputy Corporation Counsel; Charlene Shibuya, Construction Engineer, Maui District Office, State Department of Transportation (State DOT); William Frampton, Project Manager, Frampton & Ward, LLC; Eric Taniguchi, the project's architect; Stacy Otomo, President, and Mark Matsuda, Project Engineer, Otomo Engineering Inc., the project's civil engineers; Bryan Maxwell, President, and Ken Jencks, Staff, Maxwell Design Group Inc., the project's landscape architects; and Stan Cohen, Property Manager, Paia Town Center.

Your Committee received oral testimony from three individuals in support of the project. One testifier spoke on behalf of Jocelyn Perreira and Tri-Isle, reading from her written testimony dated December 19, 2007. The Chair of the Paia Main Street Association also testified in support, explaining that the scale of the buildings had been reduced and a courtyard created in response to concerns voiced by the Association. She and the third testifier cited recent criminal activity in the area, and noted that an increased police presence through the proposed substation in the project would be desirable.

Your Committee received a computer-generated presentation from Mr. Frampton, along with a printout of the presentation. The presentation contained maps reflecting the location of the three properties and depicting the portion of the overall Paia Town Center project for which land use approvals are being sought; existing and anticipated access patterns to and from the project site; photographs of existing site conditions, as well as the site in relation to the intersection of Baldwin Avenue and Hana Highway, and that portion of Luna Place adjacent to the site; a listing of design factors; a conceptual master plan; architectural drawings; a summary of findings from the traffic impact analysis and a parking analysis; and illustrations of a catch basin insert for drainage, recent State DOT roadway improvements along the pertinent portion of Hana Highway, and outdoor lighting concepts. Your Committee notes that the conceptual master plan depicts a new courtyard gathering area, a new bus stop area, 89 paved parking stalls, 2 new two-story commercial buildings, public restrooms, and space for a community police officer.

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

January 11, 2008
Page 5

Committee
Report No. _____ 08-8

Mr. Frampton noted that only one of the three subject properties has been in single-family use. The project would add approximately 9,000 square feet of commercial space to the existing 20,000 square feet. The traffic impact analysis reveals that impacts on morning and afternoon peak hour traffic would be negligible, ranging from 0 to 0.9, and 0 to 6.9 seconds of delay, respectively. He stated that the following are benefits of the project: the Community Plan Amendment and Change in Zoning will bring existing uses into conformance; the improved parking lot and presence of a community police officer will help to deter crime; the proposed project will increase parking; the project's design is consistent with the character of the town and will improve on-site access and vehicular flow; and the project will enhance a sense of place and support small business.

The Deputy Planning Director provided an overview of the proceedings before the Maui Planning Commission. She noted that the only concern raised involved Luna Place, a substandard road. To prevent additional business traffic from traveling along that road, the Commission recommended a condition prohibiting vehicular access from Luna Place. The Deputy Director of Public Works advised that Luna Place is a private roadway.

Your Committee discussed the proposed catch basin drainage system, and its maintenance and operation. Mr. Frampton advised that a catch basin insert system is not cost prohibitive, and that he would provide information relating to the associated cost, frequency of changing the absorbent pouches, and disposal methods, following his meeting with system representatives.

Your Committee also noted the recommendations, at page 19 of the Department's Report, that certain measures be incorporated to enhance pedestrian safety along Baldwin Avenue, including installation of a parabolic mirror, a speed bump, and a stop sign.

The Sergeant commented that the project would deter crime through the design of its structures and landscaping. He advised that, although the Department is doing its best to fill community police officer positions, it has not been able to commit to manning the proposed police substation. The Department envisions that the substation would be used in a similar fashion as the Wailuku Substation on Market Street. He noted that there would be an increase in congestion due to the one-way traffic flow out of the project.

Your Committee discussed the one-way in and one-way out access plan, which would result in vehicles exiting the project onto Baldwin Avenue only. Your Committee

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

January 11, 2008
Page 6

Committee
Report No. _____ 08-8

considered the trade-offs of prohibiting traffic from exiting onto Hana Highway. Ms. Shibuya noted that the proposed access patterns would remove cross-traffic friction, and that the simplicity of the access route is probably preferable to allowing vehicles to exit onto Hana Highway. Mr. Frampton advised that factors considered in evaluating access patterns included safety; the fact that eliminating the driveway between Charley's Restaurant and Jacques opens up the possibility of an outdoor courtyard area and allows space for a bus stop on Hana Highway; and impacts on parking stalls. He also agreed to evaluate the possibility of establishing a shared exit with the Bank of Hawaii on Baldwin Avenue, which is in close proximity to the project, prior to the Special Management Area permit review process.

With respect to the planned parking, Mr. Frampton advised that parking would be validated, and that handicapped parking would also be available.

Your Committee voted to recommend passage of the revised proposed Community Plan Amendment bill.

Referring to correspondence dated November 5, 2007 from the Planning Director, your Committee recommended that the single condition of zoning contained in the revised proposed Change in Zoning bill be further revised to read as follows: "Vehicular access to and from Luna Place shall be prohibited."

Your Committee voted to recommend passage of the revised proposed Change in Zoning bill incorporating this further revision, recordation of the unilateral agreement, and filing of the communication.

Your Committee is in receipt of a revised proposed Change in Zoning bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating the revisions requested, as well as a change in the year of the bill from "(2007)" to "(2008)". Your Committee is also in receipt of a revised proposed Community Plan Amendment bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating the same change in the year of the bill.

Your Committee is in receipt of an agreement entitled "Unilateral Agreement and Declaration for Conditional Zoning" executed by 120 Hanna Hwy., LLC.

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

January 11, 2008
Page 7

Committee
Report No. 08-8

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 AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO BUSINESS/COMMERCIAL FOR PROPERTY SITUATED AT PAIA, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill No. _____ (2008), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO B-CT COUNTRY TOWN BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT PAIA, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That the County Clerk RECORD the "Unilateral Agreement and Declaration for Conditional Zoning"; and
4. That County Communication No. 07-24 be FILED.

Adoption of this report is respectfully requested.

