

COUNCIL OF THE COUNTY OF MAUI

# PLANNING AND LAND USE COMMITTEE

November 21, 2003

Committee  
Report No.

03-145

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

Chair and Members:

Your Planning and Land Use Committee, having met on June 17, 2003, makes reference to County Communication No. 02-208, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING), FOR PROPERTY SITUATED AT 2112 KAOHU STREET, WAILUKU, MAUI, HAWAII".

The purpose of the proposed bill is to grant a Change in Zoning, as requested by Alan L. Unemori, on behalf of Craig M. and Jacqueline S. Mukai, in order to use an existing building for office use on approximately 6,000 square feet of land at 2112 Kaohu Street, Wailuku, identified for real property tax purposes as TMK No. (2) 3-4-008:030.

Your Committee notes that the Maui Planning Commission held a public hearing and meeting on the Change in Zoning request on September 24, 2002.

Your Committee further notes that the Maui Planning Commission, after reviewing the findings presented in the documents entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION SEPTEMBER 24, 2002 MEETING" and "MAUI PLANNING DEPARTMENT'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION SEPTEMBER 24, 2002 MEETING", voted to recommend approval of the proposed bill subject to the following conditions:

1. That the maximum height of any building on the property shall be thirty (30) feet.
2. That the building and parking improvements shall retain the residential character of the existing neighborhood.
3. That uses shall be limited to business and service offices.

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4. That any new buildings shall maintain a front yard setback of fifteen (15) feet and side and back yard setbacks of six (6) feet with landscaping of a residential character.
5. That signage on the property shall not exceed a total sign area of eight (8) square feet.

Your Committee further notes that the recommendation of the Maui Planning Commission was based upon the following findings:

1. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the County.
2. The proposed request is consistent with the applicable community plan land use map of the County.
3. The proposed request meets the intent and purpose of the district being requested.
4. The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements.
5. The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area.

In addition, your Committee notes that County Communication No. 02-208 was referred to the prior Council's Land Use Committee at the Council meeting of October 18, 2002.

At its meeting of January 10, 2003, the Council referred County Communication No. 02-208 to your Planning and Land Use Committee (County Communication No. 03-10).

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By correspondence dated January 17, 2003, applicant Alan L. Unemori requested your Committee's consideration of the proposed bill.

By correspondence dated January 28, 2003, the Chair of your Committee requested that the Planning Director transmit the minutes of the Maui Planning Commission's meeting of September 24, 2002.

By correspondence dated February 12, 2003, the Planning Director transmitted the minutes of the Maui Planning Commission's meeting of September 24, 2002.

At its meeting, your Committee met with the Planning Director, a Staff Planner from the Department of Planning, and the Corporation Counsel.

Your Committee received public testimony in support of the proposed bill from Nicole Forrelli on behalf of Domestic Violence Clearinghouse and Legal Hotline. She said that her organization would be interested in being a tenant in the building at the subject property if the Change in Zoning were approved.

The Staff Planner provided background information on the proposed Change in Zoning and transmitted a document entitled "Photo Inventory of 2112 Kaohu Street Property (October 7, 2001)".

In response to your Committee's questions, the Planning Director advised that the Department of Planning supported the proposed bill and provided background on the public-notification process applicable to the subject Change in Zoning. He said that surrounding neighbors were made aware of the application and apparently had no objections.

Your Committee voted to recommend passage of the proposed bill on first reading, subject to technical revisions; recording of a unilateral agreement reflecting the applicable zoning conditions; and filing of the communication.

Your Committee is in receipt of a revised proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING), FOR PROPERTY SITUATED AT 2112 KAOHU STREET, WAILUKU,

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MAUI, HAWAII", approved as to form and legality, incorporating technical revisions.

In addition, your Committee is in receipt of a document entitled "UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING", executed by Craig M. and Jacqueline S. Mukai, reflecting the applicable zoning conditions.

Your Planning and Land Use Committee RECOMMENDS the following:

1. That Bill No. \_\_\_\_\_ (2003), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING), FOR PROPERTY SITUATED AT 2112 KAOHU STREET, WAILUKU, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That the County Clerk RECORD the Unilateral Agreement and Declaration for Conditional Zoning; and
3. That County Communication No. 02-208 be FILED.

Adoption of this report is respectfully requested.

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**WAYNE K. NISHIKI** **Chair**

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**DANNY A. MATEO** **Member**

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**G. RIKI HOKAMA** **Vice-Chair**

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**MICHAEL J. MOLINA** **Member**

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**ROBERT CARROLL** **Member**

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**JOSEPH PONTANILLA** **Member**

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**JO ANNE JOHNSON** **Member**

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**CHARMAINE TAVARES** **Member**

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**DAIN P. KANE** **Member**