

COUNCIL OF THE COUNTY OF MAUI

PLANNING AND LAND USE COMMITTEE

August 1, 2003

Committee
Report No.

03-76

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 July 1, 2003, makes reference to County Communication No. 03-148, 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 PUBLIC/QUASI PUBLIC AND AGRICULTURAL TO BUSINESS FOR PROPERTY SITUATED AT HAMAKUAPOKO, MAKAWAO, MAUI, HAWAII".

The purpose of the proposed bill is to grant a request from Michael T. Munekiyo of Munekiyo and Hiraga, Inc., on behalf of A&B Properties, Inc., for a Community Plan Amendment for the existing Paia Main Post Office and adjacent Country Town Business/Parking Area on approximately 1.043 acres of land located at Hamakuapoko, Makawao, Maui, Hawaii (TMK: 2-5-005:061 (por.)).

2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT HAMAKUAPOKO, MAKAWAO, MAUI, HAWAII".

The purpose of the proposed bill is to grant a request from Michael T. Munekiyo of Munekiyo and Hiraga, Inc., on behalf of A&B Properties, Inc., for a District Boundary Amendment for the existing Paia Main Post Office and adjacent Country Town Business/Parking Area on approximately 1.043 acres of land located at Hamakuapoko, Makawao, Maui, Hawaii (TMK: 2-5-005:061 (por.)).

COUNCIL OF THE COUNTY OF MAUI

PLANNING AND LAND USE COMMITTEE

August 1, 2003
Page 2

Committee
Report No. 03-76

3. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM AND AGRICULTURAL DISTRICT TO COUNTRY TOWN BUSINESS DISTRICT FOR PROPERTY SITUATED AT HAMAKUAPOKO, MAKAWAO, MAUI, HAWAII".

The purpose of the proposed bill is to grant a request from Michael T. Munekiyo of Munekiyo and Hiraga, Inc., on behalf of A&B Properties, Inc., for a Change in Zoning for the existing Paia Main Post Office and adjacent Country Town Business/Parking Area on approximately 1.043 acres of land located at Hamakuapoko, Makawao, Maui, Hawaii (TMK: 2-5-005:061 (por.))

Your Committee notes that the Maui Planning Commission held a public hearing on the subject application on March 25, 2003. At the hearing, six members of the public testified regarding various community concerns relating to the application, including traffic and the character of Paia Town.

Your Committee further notes that the Maui Planning Commission, at its meeting of March 25, 2003, after reviewing the findings presented in the documents entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION MARCH 25, 2003 MEETING", "MAUI PLANNING DEPARTMENT'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION MARCH 25, 2003 MEETING", and "MAUI PLANNING DEPARTMENT'S REVISED RECOMMENDATION AS PRESENTED TO THE MAUI PLANNING COMMISSION AT IT'S [sic] MARCH 25, 2003 MEETING", voted to recommend approval of the proposed bills.

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

1. The applicant has submitted all the necessary information for the Community Plan Amendment application.
2. The proposed application complies with the applicable standards for a State Land Use Commission District Boundary Amendment.

COUNCIL OF THE COUNTY OF MAUI

PLANNING AND LAND USE COMMITTEE

August 1, 2003
Page 3

Committee
Report No. 03-76

3. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the County.
4. The proposed request is consistent with the applicable community plan land use map of the County.
5. The proposed request meets the intent and purpose of the district being requested.
6. 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.
7. The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area.

By correspondence dated June 23, 2003, Laureen Yamakido, Real Estate Specialist, Pacific Facilities Service Office, United States Postal Service, expressed support for the proposed bills.

At its meeting, your Committee met with the Planning Director, the Administrative Planning Officer and a Staff Planner from the Department of Planning, the Deputy Director of Public Works and Environmental Management, and the Corporation Counsel.

Mercer "Chubby" Vicens of A&B Properties, Inc. testified in support of the proposed bills. He noted that A&B Properties, Inc. sold the subject property to the United States Postal Service and that the subject property is currently in use as the Paia Main Post Office. Mr. Vicens informed your Committee that A&B Properties, Inc. was contractually obligated to timely seek the subject land-use approvals. Although the Federal government is exempt from compliance with local land-use regulations, the United States Postal Service seeks to comply with such regulations as a matter of policy, according to his testimony.

COUNCIL OF THE COUNTY OF MAUI

PLANNING AND LAND USE COMMITTEE

August 1, 2003
Page 4

Committee
Report No. 03-76

The Staff Planner made a presentation providing background information on the subject application, including photos and a map of the Paia Main Post Office and adjacent Country Town Business/Parking area.

Your Committee expressed concern about the subject property's other potential uses. Therefore, your Committee voted to amend the proposed zoning bill to add a condition stating that uses on the property shall be limited to post office and related uses.

Your Committee voted to recommend passage of the proposed bills, subject to the new condition.

Your Committee is in receipt of a revised proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM AND AGRICULTURAL DISTRICTS TO B-CT COUNTRY TOWN BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT HAMAKUAPOKO, MAKAWAO, MAUI, HAWAII", approved as to form and legality by the Department of the Corporation Counsel, incorporating a condition stating that uses on the property shall be limited to post office and related uses.

In addition, your Committee is in receipt of a document entitled, "UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING", executed by the United States Postal Service, reflecting the condition stating that uses on the property shall be limited to post office and related uses.

Your Planning and Land Use Committee RECOMMENDS the following:

1. That Bill No. _____ (2003), attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND THE PAIA/HAIKU COMMUNITY PLAN AND LAND USE MAP FROM PUBLIC/QUASI PUBLIC AND AGRICULTURAL TO BUSINESS FOR PROPERTY SITUATED AT HAMAKUAPOKO, MAKAWAO, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;

COUNCIL OF THE COUNTY OF MAUI

PLANNING AND LAND USE COMMITTEE

August 1, 2003
Page 5

Committee
Report No. 03-76

2. That Bill No. _____ (2003), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT HAMAKUAPOKO, MAKAWAO, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill No. _____ (2003), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM AND AGRICULTURAL DISTRICTS TO B-CT COUNTRY TOWN BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT HAMAKUAPOKO, MAKAWAO, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;
4. That the County Clerk RECORD the Unilateral Agreement and Declaration for Conditional Zoning; and
5. That County Communication No. 03-148 be FILED.

Adoption of this report is respectfully requested.

COUNCIL OF THE COUNTY OF MAUI
PLANNING AND LAND USE COMMITTEE

August 1, 2003
Page 6

Committee
Report No. 03-76

WAYNE K. NISHIKI **Chair**

DANNY A. MATEO **Member**

G. RIKI HOKAMA **Vice-Chair**

MICHAEL J. MOLINA **Member**

ROBERT CARROLL **Member**

JOSEPH PONTANILLA **Member**

JO ANNE JOHNSON **Member**

CHARMAINE TAVARES **Member**

DAIN P. KANE **Member**