

**COUNCIL OF THE COUNTY OF MAUI**  
**LAND USE COMMITTEE**

November 18, 2005

**Committee**  
**Report No.**

05-159

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

Chair and Members:

Your Land Use Committee, having met on November 2, 2005, makes reference to County Communication No. 05-266, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL TO B-2 COMMUNITY BUSINESS DISTRICT FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII". The purpose of the proposed bill is to grant a request from Lee A. Ohigashi, on behalf of the Shizuko Suehiro Trust, for a Change in Zoning from R-2 Residential District to B-2 Community Business District for a developed lot containing a retail store, single-family residence, and storage shed on approximately 13,861 square feet located at 1217 Front Street, Lahaina, Maui (TMK: (2) 4-5-05:007).

Your Committee notes that the Maui Planning Commission held a public hearing on the application on September 28, 2004.

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 SEPTEMBER 28, 2004 MEETING" (Department's Report), and the conclusions and recommendation presented in the document entitled "MAUI PLANNING DEPARTMENT'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION SEPTEMBER 28, 2004 MEETING", voted to recommend approval of the application, without conditions, on September 28, 2004.

By correspondence dated September 22, 2005, the Vice-Chair of your Committee requested that the Planning Director clarify several issues relating to the application, including the status of the Tax Map Key (TMK) numbers referenced in the County Communication; the size of and description for the subject property; its historical uses and land use designations; the status of the single-family dwelling; and the status of compliance with conditions imposed by the Board of Variances and Appeals (BVA) in 1997.

**COUNCIL OF THE COUNTY OF MAUI**  
**LAND USE COMMITTEE**

November 18, 2005  
Page 2

**Committee**  
**Report No.**     05-159

By correspondence dated October 17, 2005, the Chair of your Committee requested that the Department of the Corporation Counsel make a nonsubstantive revision to the proposed bill.

By correspondence dated October 18, 2005, the Department of the Corporation Counsel transmitted a revised proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII", incorporating the requested revision.

By correspondence dated October 20, 2005, the Planning Director responded as follows: (1) that the subject property is now a single parcel known as TMK: (2) 4-5-05:007, consisting of 13,861 square feet, and that the property description attached as Exhibit "A" to the proposed bill reflects that TMK; (2) that the single-family use would become an allowable nonconforming use if the Change in Zoning is granted; and (3) that the BVA had granted a time extension to September 11, 2007 on the variance. He also described the history of the parcels which were consolidated, and their zoning and Community Plan designations.

By correspondence dated October 26, 2005, the Planning Director supplemented his response, noting that the single-family residence and store were constructed in 1951 and enclosing a revised Land Zoning Map.

By correspondence dated November 1, 2005, the Chair of your Committee transmitted a further revised Land Zoning Map.

At its meeting, your Committee met with the Planning Program Administrator, Current Planning Division, Department of Planning; the Deputy Director of Public Works and Environmental Management; the Corporation Counsel; and Lee A. Ohigashi, Esq., the attorney for the Shizuko Suehiro Trust. Your Committee notes that Kimiko Mato, Trustee; and Denice Keliikoa, daughter of a trustee, were also present.

There was no public testimony.

Mr. Ohigashi showed your Committee a schematic of the subject property, noting that the property had been in the Suehiro family since the 1920s. He also described the historical uses of the property, noted that the BVA had required that a Change in Zoning be obtained, and provided additional background information.

**COUNCIL OF THE COUNTY OF MAUI**  
**LAND USE COMMITTEE**

November 18, 2005  
Page 3

**Committee**  
**Report No.**     05-159

The Planning Program Administrator submitted site photographs, including photographs of the existing structures at the site, which had been received from the applicant, and noted that a short video of the property was available for viewing. He also provided a brief overview of the application and directed your Committee's attention to the Department of Planning's responses to the questions posed by the Vice-Chair of your Committee. He further indicated that the only BVA condition that remains outstanding is the requirement that four parallel parking stalls be provided, stating that the parking stalls are currently angled.

Your Committee discussed the parallel parking requirement imposed by the BVA. The Planning Program Administrator noted that the BVA had expressed concerns that cars parked perpendicular to the property encroached onto the County's right-of-way. He also noted that Exhibit "6" to the Department's Report reflects that the Department of Public Works and Environmental Management favors parallel parking stalls over angled ones in this area. Your Committee reviewed the photographs and questioned whether the parallel parking would create greater difficulties. Mr. Ohigashi explained that his clients had complied with the parallel parking requirement, but that it appeared the lessee had changed it back to angled parking. As of today, the parking spaces are again parallel. He also noted that one of the reasons the back lot had been acquired was to ensure parking is available in the future.

The Planning Program Administrator noted that the single-family residence on the property had been constructed in 1951. He informed your Committee that if the Change in Zoning were granted, the single-family residence would be considered an allowable nonconforming use. He further informed your Committee that in the B-1 Neighborhood Business District, one single-family dwelling per lot is permitted, provided the lot meets certain size requirements. He also noted that there are parcels nearby that are zoned B-2 Community Business District.

Your Committee discussed the Department of Public Works and Environmental Management's comments with respect to paving the driveway for the residential structure and maintaining the frontage along Alamihi Place.

The Corporation Counsel noted that if the Change in Zoning was passed, the BVA's conditions would be rendered moot, and that no conditions to the Change in Zoning had been recommended by the Maui Planning Commission.

**COUNCIL OF THE COUNTY OF MAUI**  
**LAND USE COMMITTEE**

November 18, 2005  
Page 4

**Committee**  
**Report No.**     05-159

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. \_\_\_\_\_ (2005), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
  
2.     That County Communication No. 05-266 be FILED.

Adoption of this report is respectfully requested.

**COUNCIL OF THE COUNTY OF MAUI**  
**LAND USE COMMITTEE**

November 18, 2005  
Page 5

**Committee**  
**Report No.** 05-159

---

**ROBERT CARROLL** **Chair**

---

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

---

**JOSEPH PONTANILLA** **Vice-Chair**

---

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

---

**MICHELLE ANDERSON** **Member**

---

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

---

**G. RIKI HOKAMA** **Member**

---

**CHARMAINE TAVARES** **Member**

---

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