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Ken R. Fukuoka
Director of Council Services

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

October 15, 1997

MEMO TO: Mr. J. P. Schmidt
Corporation Counsel

F R O M: Sol P. Kaho'ohalahala, Chair *SK*
Land Use Committee

SUBJECT: PA'IA-HA'IKU URBAN INTERIM ZONING (LU-30)

As you may know, at its meeting of October 13, 1997, the Land Use Committee discussed two proposed land zoning maps for Interim-zoned parcels in the State Urban district within the Pa'ia-Ha'iku Community Plan region.

Among the more controversial parcels in this proposal are those occupied or used by Mama's Fish House. Two parcels are occupied by the restaurant, are designated Business in the Community Plan, and are proposed to be zoned B-CT Country Town Business District; several parcels are occupied by vacation rentals, are designated Single Family in the Community Plan, and are proposed to be zoned R-1 Residential District; and one parcel is occupied by the "upper" parking lot, is designated Open Space in the Community Plan, and is proposed to be zoned Urban Reserve (as the County does not have Open Space zoning).

The restaurant and vacation rental parcels were the subject of an Interim Use Variance granted in 1966 for hotel and resort development. At the October 13th Committee meeting, several representatives of Mama's Fish House testified that the uses permitted by this variance should be accommodated by the proposed zoning maps. They requested that the vacation rental parcels be zoned H-1 Hotel District, with a condition or modification allowing residential setbacks, and that the upper parking lot be zoned B-CT Country Town Business District, with a condition that it only be used for parking.

The following questions arose:

1. Is the 1966 Interim Use Variance still valid (see enclosed correspondence)?

Mr. J. P. Schmidt
October 15, 1997
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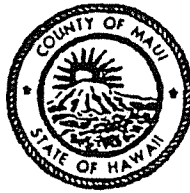
2. If so, is the variance only valid if the parcels are zoned Interim? In other words, if the zoning were changed for those parcels subject to the variance, would the variance still be valid?
3. Pursuant to subsection 19.510.040.A.4, Maui County Code, "the county council may grant a change of zoning if....the proposed request is consistent with the applicable community plan land use map...." Therefore, would your Department advise the Committee against granting H-1 Hotel District zoning for the vacation rental parcels, which are designated Single Family in the Community Plan, and against granting B-CT Country Town Business District zoning for the upper parking lot parcel, which is designated Open Space in the Community Plan?
4. The Maui Planning Commission reviewed this proposal based on criteria established by the Department of Planning, most notably that the proposed zonings conform to the Pa`ia-Ha`iku Community Plan designations. If the Committee were to consider the zonings referenced in question 3 above, which deviate substantially from the original proposal, would your Department advise that the matter be reviewed by the Maui Planning Commission again?
5. If the Committee were to approve the Department of Planning's recommendation to grant R-1 Residential District zoning to the vacation rental parcels and Urban Reserve zoning to the upper parking lot parcel, would the existing uses be allowed to continue?
6. Can your Department recommend any other alternatives, or does your Department have any additional comments to this proposal?

Because the October 13th Committee meeting was recessed, this matter could be discussed again when the meeting reconvenes on Tuesday, November 4, 1997. I would therefore appreciate a written response by October 30, 1997.

Please feel free to contact me or the Committee staff (Michele, Wayne or Camille) if you have any questions. Thank you for your attention to this request.

lu:ltr:30acc01:mnc
Enclosures (4)
xc: Will Spence, Planner

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KOICHI HAMADA, EX-OFFICIO
HIDEO HAYASHI, EX-OFFICIO
JEAN R. LANE, EX-OFFICIO
MASAO SONE, EX-OFFICIO
ROBERT O. OHATA, PLANNING DIRECTOR
MRS. EVA M. DUPONTE, ADM. ASST.

PLANNING & TRAFFIC COMMISSION

COUNTY OF MAUI

POST OFFICE BOX 1487

KAHULUI, MAUI, HAWAII 96732

March 23, 1966

Public Works Committee
Board of Supervisors
County of Maui
Wailuku, Hawaii

Gentlemen:

The Maui Planning and Traffic Commission, at its meeting of March 22, 1966, approved an Interim Zoning Variance to Mr. Winston Watanabe to operate a hotel resort with liquor dispenser, restaurant, miniature golf course, and other uses at the development known as Kuau Estates. The approval is for any use applicable under the hotel district in the Comprehensive Zoning Ordinance. The votes of the Commission were as follows: 6 ayes; none dissenting; 1 excused.

Kuau Estates is located at the northernmost end of Kuau on 3.89 acres of land. In addition, 0.5 acre of beach property was leased from Alexander and Baldwin. At the present time there are ten aluminum residential units. Mr. Watanabe would like to use the entire development as a hotel resort, converting one unit into a bar and restaurant, and adding a miniature golf course. In the future, he plans to construct three-story apartment buildings.

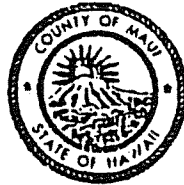
At the time of the public hearing there was no protest against the operation of a resort hotel with accessory uses listed hereinabove. The action of the Commission is referred to your Committee for recommendation to the Board of Supervisors, pursuant to Section 5 of Ordinance No. 267.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert O. Ohata".

ROBERT O. OHATA
Planning Director

JOSEPH S. MEDEIROS, JR., CHAIRMAN
KAZUO KAGE, VICE-CHAIRMAN
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PLANNING & TRAFFIC COMMISSION
COUNTY OF MAUI
POST OFFICE BOX 1487
KAHULUI, MAUI, HAWAII 96732

RECEIVED
OCT 29 1993

April 11, 1966

CHRIS HART & PARTNERS
Landscape Architecture & Planning

Mr. Winston Watanabe
150 Lono Avenue
Kahului, Hawaii 96732

Dear Mr. Watanabe:

The Board of Supervisors at their meeting of April 1, 1966, approved the operation of resort hotel with accessory uses in Kuau.

This is final approval and you may now proceed with the other permits required by you.

Very truly yours,

ROBERT O. OHATA
Planning Director

cc State Dept. of Taxation
cc Maui Liquor Commission

**Resort Hotel
Variance Okd**

WAILUKU—Winston T. Watanabe has been granted a Planning Commission variance to operate a resort hotel on his Kuau Estates development, subject to Board of Supervisors' approval.

Watanabe has 10 units on his property and told the commission he intended to convert one into a bar and restaurant, and to build additional units for hotel use.

FIGURE NO. 3

January 7, 1970

Mr. Meyer M. Ueoka
Attorney at Law
P.O. Box 433
Wailuku, Maui 96793

Dear Mr. Ueoka:

Re: Kuau Plaza Condominium

The Maui Planning Commission at its meeting of January 6, 1970, voted unanimously to approve the construction of a proposed three story, 30-unit condominium at Kuau, Maui as shown on plans submitted to the Planning Department dated May 1969, with later revisions regarding bedroom size.

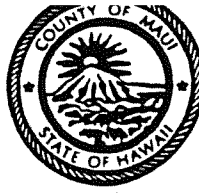
The Commission, in taking this action confirmed that this proposed development was in accordance with the original variance granted to Mr. Winston Watanabe by the County of Maui on April 1, 1966. However, it was also noted that approval of this apartment complex completes the development as originally proposed and any future development will be subject to appropriate action by the Commission and County Council.

Please also note that the Commission expressed concern over the fact that construction on the project was initiated prior to the obtaining of a building permit from the County of Maui. Please advise your client that he should exercise appropriate restraint in the future.

Yours very truly,

HOWARD K. NAKAMURA
Planning Director

cc Mr. James Watanabe
cc Building Department



COUNTY OF MAUI
PLANNING DEPARTMENT
250 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

March 4, 1997

Mr. Floyd Christiansen
Mama's Fish House
799 Poho Place
Paia, Hawaii 96779

Dear Mr. Christiansen:

RE: Meeting of February 27, 1997

Thank you for meeting with us to discuss our Interim Zoning project and the long-term plans for Mama's Fish House and related resort uses.

In April 1966, the Maui Planning Commission granted a variance from Interim zoning to Mr. Winston Watanabe to allow resort uses at Kuau Estates. This variance was for a specific project defined in the project file. According to a letter from January 1970, the Commission deemed Mr. Watanabe's project complete and specified that any additional development would be subject to action by the Planning Commission and the County Council. This letter raises questions about the continued development of the area and any future expansion. We will not be signing off on any building permits that expand the resort functions in the area.

We also discussed SMA permits and the requirement of consistency with the community plan. The specific case in point is your proposed remodeling of the residence that you are currently using as an office. The Paia-Haiku Community Plan recognizes the parcel for single-family use, not business. As such, we cannot issue a permit for this project or any others that do not meet this requirement.

We encourage you to consider our discussion to pursue a community plan amendment and a change in zoning. We feel this approach would provide for your existing and future needs.

Mr. Floyd Christiansen
March 4, 1997.
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We look forward to working with you in the future. If you need any further assistance, please contact William Spence of my staff at 243-7735.

Very truly yours,

David W. Blane
7 DAVID W. BLANE
Director of Planning

DWB:wrs
Enclosure

cc: Clayton Yoshida, Planning Program Administrator
Joseph Alueta, Staff Planner
John Rapacz, Deputy Corporation Counsel
Charles Jencks, Director of Public Works and Waste Management
Ralph Nagamine, Land Use and Codes Administrator
File

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