

LU Committee

From: Gary Elster <gse@hawaii.rr.com>
Sent: Friday, July 14, 2017 12:22 PM
To: LU Committee; Robert Carroll
Subject: OBJECTION TO CONDITIONAL PERMIT FOR PROPERTY LOCATED AT 588 KULAIWI DRIVE (WAILUKU) (LU-23) hearing JULY 19, 2017

Dear Chairman Carroll and Members of the Land Use Committee:

I am writing to you as a resident of Wailuku Heights to strongly object to the applicant's proposed conversion of its residential property into a commercial event center, right in the middle of a long established residential neighborhood. Over the years the applicant has held popular events for the boy scouts etc. It then brought those children in front of the Planning Commission and got its recommendation for a conditional use permit, even though the surrounding neighborhood spoke out loud and clear of its opposition. Now it seeks to convert a small community benefit into a wide ranging commercial events center, that if permitted, would irreparably harm the quiet surrounding neighborhood which it would heavily impact.

There is an alarming trend of applications for conditional use permits to establish commercial activity centers in areas bounded by residential neighborhoods. Last year two were sought in Haiku and now this one in Wailuku Heights. While in each case the applicants claim minimal impact on their neighbors, in fact, in all cases, there is an increase in traffic and noise, particular as the auto traffic and perhaps catering buses, trucks, photographers, etc. arrive and depart in a concentrated time period.

What distinguishes this application from the others is the nature of the road that services the applicants property. Unlike the situation in Haiku where the entrance onto the property was from the main thoroughfare of Haiku road, in this case, as will be obvious from the site inspection, the entrance to the applicant's property is through a quiet hilly residential street occupied by single family homes that have been there for some 40 years or more. While even cars will make some noise due to the fact they are climbing, currently there is so little traffic on that street that the effect of a few cars is minimal. A large number of cars or larger commercial vehicles such as buses and trucks that serve such events would make lots of noise going up and down that street and that will be extremely disruptive to the tranquility and the property values of the neighborhood. No matter how much the applicants attempt to monitor the activity they can't eliminate the substantially increased burden on the otherwise quiet Wailuku Heights residential neighborhood it overlooks.

This "ag" property needs no help from the Council. It is already being subsidized by all Maui County property owners in that due to the planting of some trees on "AG Land" this 8000 S.F. residential property is served by cheap "ag rate water while its surrounding neighbors pay full residential rates. This Council should not establish a policy of making that unfairness much worse by allowing a commercial enterprise in the middle of a residential neighborhood.

Some guidance may come from rules protecting Ag land from encroaching non ag uses found in

Chap 19.30 A provides in part:

Intent. It is the intent of this chapter to:

- 1.Reduce the land use conflicts arising from encroachment of nonagricultural uses into agricultural areas;

- 2.Mitigate rising property values of farm lands to make agricultural use more economically feasible;
- 3.Discourage developing or subdividing lands within the agricultural district for residential uses, thereby preserving agricultural lands and allowing proper planning of land use and infrastructure development;
- 4.Discourage establishment of nonagricultural subdivisions;

This property turns the purpose of preserving Ag land set forth in Chap 19.30 A on its head. The neighborhood has been a residential neighborhood (NOT AG LAND) for some 40 or more years or more and it was only some 8 years ago that the 8000 S.F. mansion got built on a hilltop in the middle of the subdivision. This “ag property” doesn’t need protection from encroaching non ag uses. The residential neighborhood NEEDS PROTECTION from the uses sought by this landowner who happens to sit on property zoned ag. The property is in the middle of a residential subdivision, not the other way around. The intent of the ordinance is to protect AG land from encroaching residential subdivisions not allow a hilltop property designated as Ag land to negatively impact the 40 year old residential subdivision that surrounds it.

The proposed use is not in harmony with the surrounding neighborhood and therefore does not comply with county ordinance 9.40.070 ..

The County ordinance provides “:Upon finding by the appropriate planning commission that reasons justifying granting of a conditional permit exist, and that *the proposed use would not be significantly detrimental to the public interest, convenience and welfare, and will be in harmony with the area in which it is to be located*; issuance of a conditional permit may be recommended, subject to such terms and conditions and for such period of time as the facts may warrant.

The questions for this Council are:

- whether imposing a commercial event center in the middle of a quiet residential neighborhood is “ in harmony with the area in which it is to be located” ?
- Whether the substantially increased traffic and noise would be “detrimental to the public interest, convenience and welfare?”

The planning commission recommended the granting of the conditional use permit. I urge the Council to exercise its independent judgement and decide for itself whether a commercial enterprise belongs in the middle of that neighborhood, an enterprise that was unanimously opposed by its neighbors.

Zoning and Planning documents are intended to guide development in appropriate places, that the community desires. The neighborhood in which this development is sought made its voice heard but those voices were ignored by the planning commission. This Council has an opportunity to makes its voice heard and deny that application because imposing an event center in the middle of that neighborhood is not “in harmony with the surrounding neighborhood”. If this action were approved, no quiet neighborhood would be safe from the imposition of “an event center: I would suggest a compromise if a viable one came to mind, however no amount of conditions can convert an event center in the middle of a hilly , tranquil residential community into a benign activity. Sometimes there has to be a yes or no vote. I urge the Council to do the right thing for the community and vote no on this application.

Respectfully submitted

Gary Elster
Resident of Wailuku Heights

It is one thing to build a mansion on a hill overlooking a residential neighborhood. It is another to burden those neighbors and their small neighborhood streets with a commercial enterprise.

I strongly object and urge the Land Use Committee to protect this residential neighborhood by being ruined by a commercial enterprise.