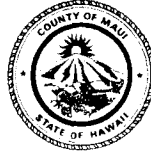


JEFFREY T. KUWADA
County Clerk



LANCE TAGUCHI
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.maui-county.gov/county/clerk

February 19, 2010

OFFICE OF THE
COUNTY CLERK
COUNTY COUNCIL

10 FEB 19 P 4:29

Honorable Gladys C. Baisa, Chair
Land Use Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Baisa:

Respectfully transmitted are copies of the following communications that were referred to your Committee by the Council of the County of Maui at its meeting of February 19, 2010:

COUNTY COMMUNICATIONS:

- No. 10-41 - Jeffrey S. Hunt, Planning Director
- No. 10-42 - Jeffrey S. Hunt, Planning Director

Respectfully,

A handwritten signature in black ink, appearing to read "Jeffrey T. Kuwada".

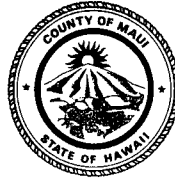
JEFFREY T. KUWADA
County Clerk

/jym

Enclosures

cc: Director of Council Services

CHARMAINE TAVARES
Mayor
JEFFREY S. HUNT
Director
KATHLEEN ROSS AOKI
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING
February 2, 2010

RECEIVED
2010 FEB -2 AM 10:38
OFFICE OF THE MAYOR

Honorable Charmaine Tavares
Mayor, County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

For Transmittal to:

Honorable Danny A. Mateo, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Maui, Hawaii 96793

APPROVED FOR TRANSMITTAL

Charmaine Tavares 2/2/10
Mayor Date

RECEIVED
FEB -3 AM 9:15
OFFICE OF THE MAYOR

Dear Chair Mateo and Members:

SUBJECT: WAIALE ROAD PARCEL CHANGE IN ZONING (CIZ 2006/0014)

The Department of Planning (Department) is transmitting for your review and action the Change in Zoning (CIZ) filed by Graymark Waiale Road Associates, LLC. A summary of the application is as follows:

SUMMARY OF APPLICATION	
Application	CIZ from R-3 Single-Family Residential District to M-1 Light Industrial District
Applicant	Graymark Waiale Road Associates, LLC
Agent	Chris Hart & Partners, Inc., Consultant
Owner	Brian Hecktman
Tax Map Key	(2) 3-4-003:009
Address	485 Waiale Road, Wailuku, Maui, Hawaii
Area	30,166 square feet
Existing Land Use Designations	State Urban District Wailuku-Kahului Community Plan: Light Industrial Title 19, Zoning: R-3 Residential Other: Not located within the Special Management Area
Brief Description	CIZ to allow for neighborhood M-1 use consistent with the Light Industrial designation in the Wailuku-Kahului Community Plan

COUNTY COMMUNICATION NO. 10-42

Honorable Charmaine Tavares, Mayor
For Transmittal to:
Honorable Danny A. Mateo, Chair
February 2, 2010
Page 2

SUMMARY OF APPLICATION	
Public Hearing	Held by the Maui Planning Commission (Commission) on July 14, 2009
Testimony	Zero (0) in support; Zero (0) opposed
Recommendation	Recommended approval

The Commission recommended approval of the CIZ to the Maui County Council (Council) subject to the following sixteen (16) conditions:

1. That, in order to achieve consistency of site improvements with the proposed new M-1 zoning, and to the satisfaction of the Department of Planning (Department) the owner shall work with the Department's Zoning Administration and Enforcement Division (ZAED) to confirm consistency with and/or necessary measures to achieve full conformance of all current and proposed site improvements and uses with the standards of the M-1 Light Industrial District and any other applicable provisions of the Zoning Code, as well as all current Department of Health standards for stormwater disposal as though the existing uses were new uses. Measures to achieve full zoning conformance shall be implemented within the earlier of three (3) years of the rezoning or any building permit which might be necessary, and shall demonstrate full conformance with all current Department of Health standards for stormwater disposal as though the existing uses were new uses, within 30 days of the approval of the Change in Zoning.
2. That, in order to meet provisions of the Wailuku-Kahului Community Plan, and to the satisfaction of the Department, uses which are permitted within the M-1 Light Industrial District but which are not permitted within the R-3 Residential District and which are not conducted wholly within a completely enclosed building shall be established only upon the approval of a County Special Use Permit until such time that there is no longer any residentially zoned land within 150 feet of the property which is not committed to use as drainage facilities.
3. That, to the satisfaction of ZAED, the Applicant shall comply with the off-street parking and loading ordinance.
4. That, in order to meet zoning requirements, and to the satisfaction of the Department's Current Division, landscape and irrigation plan approval and installation is required.

Honorable Charmaine Tavares, Mayor
For Transmittal to:
Honorable Danny A. Mateo, Chair
February 2, 2010
Page 3

5. That, in order to meet provisions of the Wailuku-Kahului Community Plan, and to the satisfaction of the Department, the proposed parking lot upgrade shall include the installation of landscape planting to provide a buffer between uses on the property and adjoining residential uses. Landscape planting shall incorporate native and drought tolerant species, and practice xeriscaping. The owner shall plant the existing and future right-of-way with appropriate trees and/or turfgrass, and ground cover.
6. That, in order to meet provisions of the Wailuku-Kahului Community Plan, and to the satisfaction of the Current Division, plans shall be submitted to and approved by either the Current Division or the Urban Design Review Board to meet the Community Plan provision to "Emphasize contrasting earth-tone schemes for buildings", and said plans shall thereafter be implemented.
7. That, in order to meet provisions of the Wailuku-Kahului Community Plan, and to the satisfaction of the Department of Public Works, the Applicant shall participate in "The Bike Plan Hawaii" by making provisions along Waiale Drive for pedestrian and bicycle access by striping a bike lane in an appropriate location fronting the subject property.
8. That, in recognition of potential historical resources presented by buildings on the property, and to the satisfaction of the Department, an architectural inventory of the buildings shall be prepared prior to any future exterior modifications to the buildings.
9. That, in order to minimize construction impacts, and to the satisfaction of the Department of Health, the Police Department, or the Department during any construction efforts shall be made to minimize noise, dust and debris, and adequate traffic control devices and personnel shall also be utilized to minimize the impact of construction vehicles accessing the property and work being done adjoining the right-of-way.
10. That, in order to meet fire flow requirements for Light Industrial zoned land, and to the satisfaction of and on a schedule approved by the Department of Water Supply (DWS), the Applicant shall install two (2) fire hydrants on the 12-inch waterline at a spacing of 250 feet. Further, should any building occur in the future, the Applicant shall provide for water service and fire protection in accordance with system standards.

Honorable Charmaine Tavares, Mayor
For Transmittal to:
Honorable Danny A. Mateo, Chair
February 2, 2010
Page 4

11. That, in order to conserve water, and all to the satisfaction of either the DWS or the Department, the developer shall employ the following water conservation measures: install low-flow fixtures and devices, including but not limited to low-flow water fixtures and devices in faucets, showerheads, urinals, water closets, and hose bibs; establish a regular maintenance program for fixtures to prevent leaks; use climate adapted, drought tolerant, and non-invasive plantings; limit irrigated turf; provide rain-sensors on all automated irrigation controllers; and check and reset irrigation controllers at least once a month to reflect the monthly changes in evapo-transpiration rates at the site, or as an alternative, provide the more automated, soil-moisture sensors on controllers.
12. That in accordance with MCC 14.25A.130 (C), and to the satisfaction of the Wastewater Reclamation Division of the Department of Environmental Management, provide the location of any existing property cleanout and if none exists, install one (1) after submittal to and approval of the plans by the Wastewater Reclamation Division.
13. That, in order to protect archaeological sites which may be present in subsurface deposits exposed during proposed work, and to the satisfaction of the State Historic Preservation Division (SHPD), a qualified archaeological monitor shall be present during all ground-altering disturbance within the subject parcel in order to document any historic properties with may be encountered and to provide mitigation measures as necessary.
14. That, to the satisfaction of the SHPD, prior to the commencement of ground-altering disturbance associated with the proposed project, the project developer or developer's agent must submit an appropriately prepared monitoring plan to SHPD for review and acceptance. The plan must contain the following provisions:
 - A. Specify the kinds of historically or culturally significant sites or remains of sites anticipated and where in the construction area they are likely to be found;
 - B. Specify how such sites or remains of sites will be documented;
 - C. Specify how such sites or remains of sites will be treated;

Honorable Charmaine Tavares, Mayor
For Transmittal to:
Honorable Danny A. Mateo, Chair
February 2, 2010
Page 5

- D. Specify that the archaeologist(s) conducting the monitoring has (have) the authority to halt construction in the immediate area of the find in order to carry out the plan;
 - E. Specify that coordination between the archaeologist and construction crew has been scheduled so that all involved parties are aware of the plan and what it means;
 - F. Specify what laboratory work will be performed on any cultural sites or remains of sites that might be found in the project area;
 - G. Specify details concerning the archiving of any collections that are made; and
 - H. Specify a schedule of report preparation and that the report will be submitted within the required 180 days after completion of the proposed undertaking.
15. That, in order to encourage timely compliance with the conditions of approval, a Compliance Report shall be submitted to the Department within three (3) years of the effective date of the rezoning and shall be approved by the Department prior to approval of any building permits subsequent to three (3) years of the effective date of the rezoning.
16. With the exception of the four (4) stalls on Waiale Road, 100 percent of the drainage from a 50 year storm shall be filtered for petrochemicals and shall be retained on-site.

Inasmuch as Council approval is required for the CIZ, the Department respectfully transmits the subject proposals to the Council for consideration. Accordingly, attached for your review are the following documents:

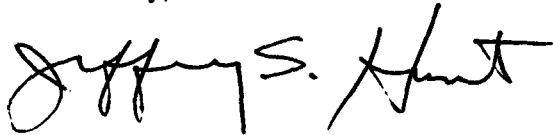
1. Proposed bill entitled, "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 SINGLE FAMILY RESIDENTIAL DISTRICT TO M-1 LIGHT INDUSTRIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT TAX MAP KEY NUMBER (2) 3-4-003:09, WAILUKU, MAUI, HAWAII";
2. Land Zoning Map No. 424;

Honorable Charmaine Tavares, Mayor
For Transmittal to:
Honorable Danny A. Mateo, Chair
February 2, 2010
Page 6

3. Department's Report and Agency Comments to the Commission, dated July 14, 2009;
4. Department's Recommendation to the Commission, dated July 14, 2009;
5. Approved Minutes of the July 14, 2009 Commission Meeting; and
6. Change in Zoning Application, dated August 26, 2008.

Thank you for your attention to this matter. Should further clarification be necessary, please contact Current Planning Supervisor Jeffrey Dack at Ext. 6275.

Sincerely,



JEFFREY S. HUNT
Planning Director

Attachments

xc: Maui Planning Commission Members
Clayton I. Yoshida, Planning Program Administrator
Jeffrey P. Dack, Current Planning Supervisor
Brian Hecktman, Greymark Waiale Road Associates, LLC
Brett Davis, Chris Hart & Partners, Inc.

JSH:JPD:sg

Project File
General File

K:\WP_DOCS\PLANNING\CIZ\2006\0014_WAIALERDPARCEL\CIZAPPROVAL-(TRANSMITTALTOCOUNCIL).DOC

ORDINANCE NO. _____

BILL NO. _____ (2010)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
R-3 SINGLE FAMILY RESIDENTIAL DISTRICT TO
M-1 LIGHT INDUSTRIAL DISTRICT (CONDITIONAL ZONING)
FOR PROPERTY SITUATED AT TAX MAP KEY NUMBER
(2)3-4-003:09, WAILUKU, MAUI, HAWAII

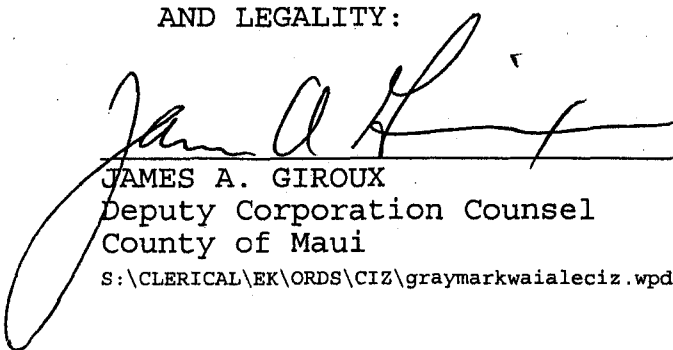
BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.24 and 19.510, Maui County Code, a change in zoning from R-3 Residential District to M-1 Light Industrial District (Conditional Zoning) is hereby granted for that certain parcel of land situated at Wailuku, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2)3-4-003:009, comprising approximately 30,166 square feet, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-424, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. Pursuant to Section 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the conditions set forth in Exhibit "B", attached hereto and made a part hereof, and the Unilateral Agreement and Declaration for Conditional Zoning, attached hereto and made a part hereof as Exhibit "C".

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

S:\CLERICAL\EK\ORDS\CIZ\graymarkwaialeciz.wpd

EXHIBIT "A"

ALL OF THAT CERTAIN PARCEL OF LAND (BEING PORTION(S) OF THE LAND(S) DESCRIBED IN AND COVERED BY ROYAL PATENT GRANT NUMBER 4124, LAND COMMISSION AWARD NUMBER 8076 TO HIOLO AND POALIMA "KAKAULI" OUT OF ROYAL PATENT NUMBER 4475, LAND COMMISSION NUMBER 7713, APANA 23 TO V. KAMAMALU) SITUATE, LYING AND BEING IN THE ILI OF KALUA, DISTRICT OF WAILUKU, ISLAND AND COUNTY OF MAUI, STATE OF HAWAII, AND THUS BOUNDED AND DESCRIBED:

BEGINNING AT A CONCRETE MONUMENT AT THE NORTHEAST CORNER OF POALIMA "KAKAULI" THE COORDINATES OF WHICH POINT OF BEGINNING REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "LUKE" BEING 29.85 FEET NORTH AND 979.75 FEET WEST AND RUNNING BY AZIMUTHS MEASURED CLOCKWISE FROM THE TRUE SOUTH:

1. 358° 23' 00" 40.90 FEET ALONG L.C.A. 2621 TO PALAOANUI TO A CONCRETE MONUMENT;
2. 269° 28' 00" 48.08 FEET ALONG THE SAME TO A 1" PIPE;
3. 8° 52' 00" 152.36 FEET ALONG THE WESTERLY SIDE OF WAIALE DRIVE TO A 1" PIPE;
4. 96° 43' 00" 64.02 FEET ALONG THE NORTHERLY SIDE OF HAWAIIAN COMMERCIAL AND SUGAR COMPANY, LIMITED SPRECKELS DITCH RIGHT-OF-WAY TO A 1" PIPE;
5. THENCE ALONG THE SAME, ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 85.10 FEET AND A CENTRAL ANGLE OF 29°, 15', THE AZIMUTH AND DISTANCE OF THE CHORD BEING:
111° 20' 00" 42.95 FEET TO A 1" PIPE;
6. 125° 58' 00" 201.20 FEET ALONG THE NORTHEASTERLY SIDE OF HAWAIIAN COMMERCIAL AND SUGAR COMPANY, LIMITED SPRECKELS DITCH RIGHT-OF-WAY TO A 1" PIPE;
7. 136° 20' 00" 1.50 FEET ALONG THE SAME TO A 1" PIPE;
8. 269° 20' 00" 160.40 FEET ALONG THE L.C.A. 3233 APANA 2 TO HOAAI TO A 1" PIPE;
9. 186° 18' 00" 51.66 FEET ALONG THE SAME TO A CONCRETE MONUMENT;
10. 273° 30' 00" 75.80 FEET ALONG L.C.A. 2621 TO PALAOANUI TO THE POINT OF BEGINNING AND CONTAINING AN AREA OF 30.166 SQUARE FEET OR 0.693 ACRE, MORE OR LESS.

BEING ALL OF THE LAND CONVEYED BY LIMITED WARRANTY DEED RECORDED AUGUST 9, 2002 AS REGULAR SYSTEM DOCUMENT NO. 2002-139534 OF OFFICIAL RECORDS.
GRANTOR: FIRST HAWAIIAN BANK, A HAWAII CORPORATION, AS TRUSTEE OF THE MAUI FUNERAL TRUST
GRANTEE: RIGHTSTAR MAUI MEMORIAL, LLC, A HAWAII LIMITED LIABILITY COMPANY

TMK(S): (2) 3-4-003-009-0000

EXHIBIT "B"

CONDITIONS OF ZONING

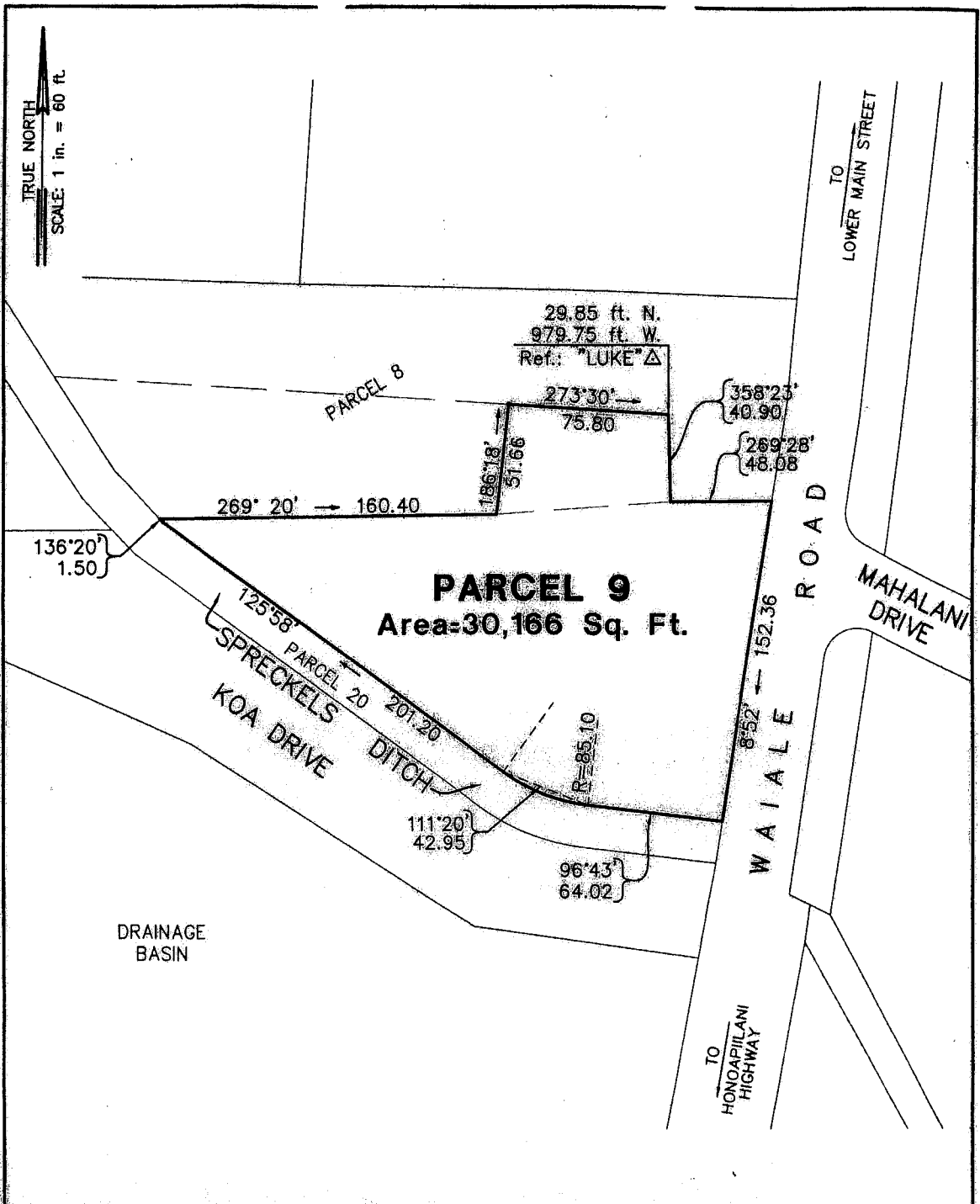
1. That, in order to achieve consistency of site improvements with the proposed new M-1 zoning, and to the satisfaction of the Department of Planning (Department), the owner shall work with the Department's Zoning Administration and Enforcement Division (ZAED) to confirm consistency with and/or necessary measures to achieve full conformance of all current and proposed site improvements and uses with the standards of the M-1 Light Industrial District and any other applicable provisions of the Zoning Code, as well as all current Department of Health standards for stormwater disposal as though the existing uses were new uses. Measures to achieve full zoning conformance shall be implemented within the earlier of three (3) years of the rezoning or any building permit which might be necessary, and shall demonstrate full conformance with all current Department of Health standards for stormwater disposal as though the existing uses were new uses, within 30 days of the approval of the Change in Zoning.
2. That, in order to meet provisions of the Wailuku-Kahului Community Plan, and to the satisfaction of the Department, uses which are permitted within the M-1 Light Industrial District but which are not permitted within the R-3 Residential District and which are not conducted wholly within a completely enclosed building shall be established only upon the approval of a County Special Use Permit until such time that there is no longer any residentially zoned land within 150 feet of the property which is not committed to use as drainage facilities.
3. That, to the satisfaction of ZAED, the Applicant shall comply with the off-street parking and loading ordinance.
4. That, in order to meet zoning requirements, and to the satisfaction of the Department's Current Division, landscape and irrigation plan approval and installation is required.
5. That, in order to meet provisions of the Wailuku-Kahului Community Plan, and to the satisfaction of the Department, the proposed parking lot upgrade shall include the installation of landscape planting to provide a buffer between uses on the

property and adjoining residential uses. Landscape planting shall incorporate native and drought tolerant species, and practice xeriscaping. The owner shall plant the existing and future right-of-way with appropriate trees and/or turfgrass, and ground cover.

6. That, in order to meet provisions of the Wailuku-Kahului Community Plan, and to the satisfaction of the Current Division, plans shall be submitted to and approved by either the Current Division or the Urban Design Review Board to meet the Community Plan provision to "Emphasize contrasting earth-tone schemes for buildings", and said plans shall thereafter be implemented.
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8. That, in recognition of potential historical resources presented by buildings on the property, and to the satisfaction of the Department, an architectural inventory of the buildings shall be prepared prior to any future exterior modifications to the buildings.
9. That, in order to minimize construction impacts, and to the satisfaction of the Department of Health, the Police Department, or the Department, during any construction efforts shall be made to minimize noise, dust and debris, and adequate traffic control devices and personnel shall also be utilized to minimize the impact of construction vehicles accessing the property and work being done adjoining the right-of-way.
10. That, in order to meet fire flow requirements for Light Industrial zoned land, and to the satisfaction of and on a schedule approved by the Department of Water Supply (DWS), the Applicant shall install two (2) fire hydrants on the 12-inch waterline at a spacing of 250 feet. Further, should any building occur in the future, the Applicant shall provide for water service and fire protection in accordance with system standards.

11. That, in order to conserve water, and all to the satisfaction of either the DWS or the Department, the developer shall employ the following water conservation measures: install low-flow fixtures and devices, including but not limited to low-flow water fixtures and devices in faucets, showerheads, urinals, water closets, and hose bibs; establish a regular maintenance program for fixtures to prevent leaks; use climate adapted, drought tolerant, and non-invasive plantings; limit irrigated turf; provide rain-sensors on all automated irrigation controllers; and check and reset irrigation controllers at least once a month to reflect the monthly changes in evapo-transpiration rates at the site, or as an alternative, provide the more automated, soil-moisture sensors on controllers.
12. That in accordance with MCC 14.25A.130(C), and to the satisfaction of the Wastewater Reclamation Division of the Department of Environmental Management, provide the location of any existing property cleanout and if none exists, install one (1) after submittal to and approval of the plans by the Wastewater Reclamation Division.
13. That, in order to protect archaeological sites which may be present in subsurface deposits exposed during proposed work, and to the satisfaction of the State Historic Preservation Division (SHPD), a qualified archaeological monitor shall be present during all ground-altering disturbance within the subject parcel in order to document any historic properties with may be encountered and to provide mitigation measures as necessary.
14. That, to the satisfaction of the SHPD, prior to the commencement of ground-altering disturbance associated with the proposed project, the project developer or developer's agent must submit an appropriately prepared monitoring plan to SHPD for review and acceptance. The plan must contain the following provisions:
 - A. Specify the kinds of historically or culturally significant sites or remains of sites anticipated and where in the construction area they are likely to be found;
 - B. Specify how such sites or remains of sites will be documented;

- C. Specify how such sites or remains of sites will be treated;
 - D. Specify that the archaeologist(s) conducting the monitoring has (have) the authority to halt construction in the immediate area of the find in order to carry out the plan;
 - E. Specify that coordination between the archaeologist and construction crew has been scheduled so that all involved parties are aware of the plan and what it means;
 - F. Specify what laboratory work will be performed on any cultural sites or remains of sites that might be found in the project area;
 - G. Specify details concerning the archiving of any collections that are made; and
 - H. Specify a schedule of report preparation and that the report will be submitted within the required 180 days after completion of the proposed undertaking.
15. That, in order to encourage timely compliance with the conditions of approval, a Compliance Report shall be submitted to the Department within three (3) years of the effective date of the rezoning and shall be approved by the Department prior to approval of any building permits subsequent to three (3) years of the effective date of the rezoning.
16. With the exception of the four (4) stalls on Waiale Road, 100 percent of the drainage from a 50 year storm shall be filtered for petrochemicals and shall be retained on-site.



TAX MAP KEY
 (2) 3-4-03: 09

AREA: 30,166 Sq. Ft.
 more or less

LAND ZONING MAP No. 424
CHANGE IN ZONING - WAILUKU, MAUI
FROM: R-3 RESIDENTIAL
TO: M-1 LIGHT INDUSTRIAL

APPROVED:

 County Clerk

APPROVED:

Jeffrey S. Hunt
 Planning Director

PUBLIC HEARING: JULY 14, 2009

ADOPTED COUNCIL:

ADOPTED MAYOR:

ORDINANCE No.

DATE: 06-09-06

SCALE: 1" = 60'

OFFICE OF THE COUNTY CLERK

200 So. HIGH ST., WAILUKU, MAUI, HAWAII - 96793

L-424

C:\2006\06-09\BRIAN\LAND ZONING MAP.dwg

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter Of The Application Of)	
	)	DOCKET NO. CIZ 2006/0014
GRAYMARK WAIALE ROAD)	
ASSOCIATES, LLC	)	(Graymark Waiale Road
	)	Associates, LLC)
To Obtain A Change in Zoning from the)	
R-3 Single Family Residential District to the	)	JPD
M-1 Light Industrial District at Maui Tax)	
Map Key 3-4-003:009, Wailuku, Maui,)	
Hawaii _____)	

DEPARTMENT OF PLANNING'S REPORT
TO THE MAUI PLANNING COMMISSION
JULY 14, 2009 MEETING

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

(Change in Zoning)
(K:\WP_DOCS\PLANNING\CIZ\2006\0014_WAIALERDPARCELCIZ\DEPTREPORT.DOC)

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter Of The Application Of)	
	)	DOCKET NO. CIZ 2006/0014
GRAYMARK WAIALE ROAD)	
ASSOCIATES, LLC	)	(Graymark Waiale Road
	)	Associates, LLC)
To Obtain A Change in Zoning from the)	
R-3 Single Family Residential District to the	)	JPD
M-1 Light Industrial District at Maui Tax)	
Map Key 3-4-003:009, Wailuku, Maui,)	
Hawaii _____)	

THE APPLICATION

This matter arises from an application for a Change in Zoning filed on November 22, 2006, and certified as complete and ready for processing by the Department of Public Works and Environmental Management on November 28, 2006. Additional information requested by the Department of Planning was received on July 12, 2007, and May 2, 2008. The application was filed pursuant to Chapter 19.510, Maui County Code by Graymark Waiale Road Associates, LLC, ("Applicant"); on 30,187 square feet of land situated at Wailuku, Island and County of Maui, identified as Maui Tax Map Key No. 3-4-003:009 ("Property").

PURPOSE OF THE APPLICATION

The Applicant has stated that they are requesting a Change in Zoning from the R-3 Single Family Residential District to the M-1 Light Industrial District, in order to "establish an appropriate area for neighborhood M-1 Light Industrial use consistent with the Wailuku-Kahului Community Plan." The applicant has further indicated that the ability to achieve financing associated with the property will be enhanced by a rezoning.

SECTION 19.510.010(C) ASSESSMENT

The Planning Director certifies that pursuant to Section 19.510.010(C) the application meets the requirements of Section 19.510.010(D), as follows:

- D1. Owner identification and signature or written authorization documents:
 - These were submitted as part of the application package.
- D2. Owner's name, address, and phone number:
 - Owner: Brian Hecktman

Applicant: Graymark Waiale Road Associates, LLC,
1342 Green Street, Suite 6
San Francisco, CA 94109
(415) 474-2516

- D3. Agent's name, address, and phone number, if applicable:

Chris Hart & Partners
115 N. Market Street
Wailuku, HI 96793
242-1955

- D4. Tax map key and street address, if available:

Tax Map Key: 3-7-003:009
486 Waiale Road
Wailuku, HI

- D5. *Locational map identifying the site, adjacent roadways, and landmarks:*

See Exhibits 1, 2 and 3

- D6. List of owners and lessees of record within 500 feet:

These were submitted as part of the application.

- D7. Analysis of ways in which application conforms to policies and objectives of General Plan and applicable Community Plan:

This was submitted as part of the application package.
See also the end of the Land Use section of this staff report.

- D8. Detailed land use history of parcel(s) to include former and existing state and county land use designations, violations and uses:

This was submitted as part of the application package.
See also the end of the Brief History of the Site section of this staff report.

- D9. Preliminary archaeological and historical data and comments from DLNR and Office of Hawaiian Affairs (OHA). If applicable, a preservation /mitigation plan approved by DLNR and OHA:

This was submitted as part of the application package.
See also references to the application package in the Archaeological, Historic and Cultural Resources section of this staff report.
Department of Land and Natural Resources, Historic Preservation Division letters dated November 28, 2008, and March 31, 2009. See **Exhibits 29 and 32**.

D10. Analysis of secondary impacts of the proposed use on surrounding uses.

This was submitted as part of the application package.
See also references to the application package in the Secondary Impacts section of this staff report.

D11. Traffic impact analysis and, if applicable, a traffic master plan with comments from DOT and DPWEM:

Traffic Impact Analysis report (TIAR) dated May 19, 2007, was submitted as part of the application package.
See also references to the application package in the Traffic section of this staff report.

D12. If applicable, an assessment of the impact the proposed use may have on agricultural use of the property with comments from DOA and USNRCS:

This is not applicable.

D13. Water source, supply and distribution analysis, and, if applicable, a water master plan which includes comments from the DLNR, DWS, and DPWEM:

This was submitted as part of the application package.
See also references to the application package in the Water section of this staff report.
Department of Water Supply comments dated October 17, 2008. See **Exhibit 19**.

D14. Sewage disposal analysis, and comments, if applicable, from DOH, DLNR, DEM, and DWS:

This was submitted as part of the application package.
See also references to the application package in the Sewage section of this staff report.
Department of Environmental Management comments dated October 20, 2008. See **Exhibit 20**.

D15. Solid waste disposal analysis and comments, if applicable, from DOH, DLNR, DEM, and DWS:

This was submitted as part of the application package.
See also references to the application package in the Solid Waste Disposal section of this staff report.
Department of Public Works and Environmental Management comments dated October 20, 2008. See **Exhibit 20**.

D16. Identification of environmentally sensitive areas, habitat and botanical features, such as wetlands, streams, endangered plants, etc., and comments, if applicable, from DLNR, USFWS, and Corps of Engineers:

This was submitted as part of the application package.
No environmentally sensitive areas, habitat or botanical features were found on the site.

D17. Identification of the existing topographical and drainage patterns and any alterations proposed:

This was submitted as part of the application package.
See also references to the application package in the Drainage section of this staff report. Department of Public Works comments dated October 16, 2008, February 26, 2009. See **Exhibits 17 and 19**.

D18. Identification and summary of all meetings held between applicant and any community group:

This was submitted as part of the revised application package.
See also references to the application package in the Community Meetings section of this staff report.

D19. Dated photographs of site or structure:

Photographs were submitted as part of the application package. See **Exhibits 7 and 8**.

D20. Development schedule:

This was submitted as part of the application package.
See also references to this schedule in the Description of the Project section of this staff report.

D21. Schematic site development plans, if applicable, drawn to scale:

This was submitted as part of the application package. See revised plans in **Exhibit 9**.

D22. Operations and management of proposed use which may include: # of employees, housing plan, hours of operation, provisions for offsite parking:

This was submitted as part of the revised application package.
See also references to operations and management in the Description of the Project section of this staff report.

D23. Identification of traditional beach and mountain access trails and additional trails which may be required for public access, and, if applicable, a preservation/mitigation plan and comments from DLNR and OHA.

This is not applicable.

- D24. Identification and assessment of chemicals and fertilizers used, and, if applicable, a mitigation plan and maintenance program and schedule, and comments from DOH, DLNR, USFWS, and USEPA:

This was submitted as part of the revise application package. It states that, at the time of submittal: " The current uses on the parcel are a water distribution company, a fish retailer, an equipment dealer and a Bail Bondsman. These uses are not expected to have negative effects upon surface, underground and marine water sources and neighboring properties and surrounding flora and fauna. "

- D25. Any other information necessary to assess the application:

Various Information items requested were submitted.

5. Notice filed by the applicant and an affidavit certifying that the notice of application was mailed to all owners/lessees of record within 500 feet from subject parcel. The notice included the following:
- E1. The name, address, and phone number of the owner and owner's authorized agent, if applicable;
 - E2. A brief description of the existing uses and uses proposed by the application;
 - E3. A location map and description of the location of the proposed development which includes the TMK and street address, if applicable, of the subject parcel.

Copies of the Notice, list of owners/lessees, and affidavit of mailing are on file with the Department of Planning.

APPLICABLE REGULATIONS

CHANGE IN ZONING

Pursuant to Title 19, Chapter 19.510, Section 19.510.040 Change in Zoning of the Maui County Code, the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The County Council may grant a change in zoning if all the following criteria are met:

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; and
6. If the application for change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, an agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the United States Soil and Conservation Service.

Pursuant to Title 19, Chapter 19.510, Section 19.510.050 Conditional zoning of the Maui County Code, the County Council may impose conditions upon the applicant's use of the property. The conditions shall be imposed if the Council finds them necessary to prevent circumstances which may be adverse to the public health, safety and welfare. The conditions shall be reasonably conceived to mitigate the impacts emanating from the proposed land and shall meet the following criteria:

1. That the public shall be protected from the potentially deleterious effects of the proposed use; and
2. That the need for public services created by the proposed use shall be fulfilled.

PROCEDURAL MATTERS

1. On December 21, 2006, the applicant mailed a "Notice of Filing of Application" for the Change in Zoning to all owners and recorded lessees within 500 ft. of the subject property notifying them of the applicant's intent to file the application with the County of Maui. A copy of the "Notice of Filing of Application" is on file in the Department of Planning.
2. On May 30, 2009, 45 days prior to the hearing, the Department of Planning sent a notice to the applicant and appropriate state and county agencies notifying them of the scheduled public hearing.
3. On June 12, 2009, the applicant mailed a letter of notification and location map to all owners and recorded lessees within 500 ft. of the subject property describing the application and notifying them of the scheduled hearing date, time and place by either certified or registered mail receipt (return receipt requested for land use amendments). Copies of the letter, location map, list of owners and recorded lessees, certified and registered mail receipts and return receipts (if required) are on file in the Department.
4. On June 16, June 23, and June 30, 2009, the applicant is publishing a Notice and location map for the Change in Zoning in the Maui News once a week for three consecutive weeks prior to the date of the hearing.
5. On June 12, 2009, a notice of hearing on the application was published in the Maui News by the Department of Planning.
6. As the project is proposed to be conditioned, striping of a bicycle lane would occur within the existing Waiale Road. Said striping would necessitate compliance to Chapter 343, Hawaii Revised Statutes, relating to Environmental Impact Statements, and would be

exempt under Maui County's Exemption Class 1: "Operations, repairs or maintenance of existing structures, facilities, equipment or topographic features, involving negligible or no expansion or change of use beyond that previously existing."

GENERAL DESCRIPTION

Description of the Property

1. The Property which is approximately 30,187 square feet is located on the west side of Waiale Road at the intersection of Waiale and Waiinu Roads, at Tax Map Key No. 3-4-003:009, and currently addressed as 485 Waiale Road, Wailuku, Maui, Hawaii. (Exhibits "1", "2" and "3")

2. Land Use Designations --

a.	State Land Use District -	Urban District (Exhibit "4")
b.	Wailuku-Kahului Community Plan	Light Industrial (Exhibit "5")
c.	County Zoning	R-3 Residential (Exhibit "6")
d.	SMA - not located in the SMA	

3. Surrounding Uses --

Direction	Use	State District	Community Plan	Zoning
North	Residential on west side of Waiale Road, and cemetery on the east side of Waiale Road.	Urban	Light Industrial	R-3 Residential
East	Roadway and marine products sales/light industrial	Urban	Public-Quasi Public	Light Industrial
South and South-west	Spreckels Ditch, equipment storage, and stormwater retention area also used as park	Urban	Single-family	R-3 Residential
West	Equipment storage	Urban	Single-family	R-3 Residential

4. Site Description - (Exhibits "7", and "8") The subject property is a roughly triangular shaped property for which the application's project assessment report (PAR) indicates "The property has historically been used (60 years) and is currently used for several commercial and light industrial uses. The current uses include AAA local Bail Bonds, Pure Maui Water Company,... and an equipment dealer." The site has approximately 153 lineal feet of frontage on Waiale Road and extends roughly 290 feet to the west.

The site is developed with three older buildings and a mainly asphalt equipment yard and parking area between the buildings. The PAR states: "The parcel has elevations ranging from 223 to 228 feet above mean sea level. Generally the north and central portions of the site are nearly level, according to the Preliminary Civil Engineering Report with Drainage Study prepared by R.T. Tanaka Engineers, Inc. The west and southeast portions of the site slopes down towards the central level area at about 1.5% and 5%, respectively. The site is generally lower than Waiale Drive by about four (4) feet, except the roadway frontage. It is however, higher than the adjacent property to the north by about 1.3 feet."

Existing Services

The following discussions of existing services are largely excerpted from various sections of the applicant's project assessment report (PAR), originally submitted in 2006.

- A. Water -- The project area is currently served by a 5/8" water meter together with a backflow prevention device that are located at the southeast corner of the property. The applicant reports that based on the existing plumbing fixtures, the present domestic water usage is 30 gallons per minute. However, The Department of Water Supply states that daily demand is only approximately 783 gallons per day. Currently, fire protection to the project site is provided by an existing fire hydrant located at the northeast corner of the lot, which is connected to a 4" water line. There is a 12" line available in Waiale Road.
- B. Sewers -- There is an existing 10-inch line behind the property that was installed in the 1930's and an 18-inch sewer line on Waiale Drive, which fronts the property, and was installed in the 1970's. Both of these sewer lines are part of the Wailuku Wastewater System.
- C. Drainage -- The subject property is located in Zones AO and C, an area of minimal flooding, as indicated by the Flood Insurance Rate Map, which defines areas of the 100-year flood with base flood elevations and flood hazard factors.

Based on site topography, a small portion of the site along Waiale Road drains onto the road. Runoff from the remainder of the site converges at the low area behind the building that fronts Waiale Road). The existing Spreckels ditch and drainage basin to the south of the property practically eliminate offsite runoff to flow into the subject property.

- D. Roadways, Curbs, Gutters and Sidewalks -- The subject property is located at the intersection of Waiale Drive and Waiinu Road. Waiale Drive is a two-lane, two-way County road with a north-south orientation. Waiale Drive connects North Main Street with Waikapu. The posted speed limit is 25 miles per hour. Waiinu Road is also a two-lane, two-way County road connecting Waiale Drive with Maui Lani. The posted speed limit is also 25 miles per hour.

The intersection of Waiale Drive at Waiinu Road is unsignalized. The stop signs are along the Waiinu Road approach. There are separate left and right turn lanes on the Waiinu Road approach. The right turns are channelized.

It should be noted that the *Maui Long Range Land Transportation Plan* recommended that the adjacent section of Waiale Road be widened from two to four lanes. Any future development of this parcel should consider this during design.

- E. Electrical, Telephone and Cable – Maui Electric Company (MECO), Hawaiian Telcom (aka, Verizon Hawaii), and Oceanic Time Warner Cable provide electrical, telephone, and cable television (CATV) service for the Central Maui region. Existing power and phone systems are placed on overhead utility poles within roadway rights-of-way.
- F. Parks – The Maui Department of Parks and Recreation (DPR) operates and maintains a total of sixteen (16) parks in the Central Maui region, including community and recreational facilities such as the Wailuku Community Center.
- G. Schools – Public education in the project area is provided by the State of Hawaii's Department of Education (DOE). The project area is located within the DOE's Baldwin Complex, which is part of the larger Baldwin-Kekaulike-Maui Complex Area. Schools in the Maui Complex include Waihee Elementary, Wailuku Elementary, Iao Intermediate, and Baldwin High School.
- H. Solid Waste – The nearest landfill site is the Central Maui Sanitary Landfill in Puunene.
- I. Public Services - The County of Maui's Police Department is headquartered in Wailuku. The property is served by the Wailuku Patrol, District 1. The Department of Fire and Public Safety provides fire prevention, suppression, and protection services and is headquartered in Kahului. The property is served by the Wailuku Station, No. 1. The nearest library is the Wailuku Public Library on High Street.

The nearest hospital is Maui Memorial Hospital located in Wailuku providing acute, general and emergency care services from its 231 bed facility. The Maui Medical Group and Kaiser Permanente are also located in the Wailuku-Kahului area along with various private medical offices and facilities.

BRIEF HISTORY OF THE SITE

According to the applicant's project assessment report (PAR), "Over the past 60 years prior to the adoption of comprehensive zoning in Maui County, light industrial uses have remained consistently at 485 Waiale Drive as an existing and non-conforming use. The subject property has been located in the State Land Use classification, Urban district since 1964, and subsequently County zoned R-3 Residential District. The Wailuku-Kahului Community Plan, which was adopted in 1987 and updated in 2002, designates the subject property for (LI) Light Industrial uses in order to establish consistency. The rear metal building is an existing and non-conforming structure with the standards of the M-1 Light Industrial District, therefore the applicant will seek a Variance in order to achieve zoning conformance."

DESCRIPTION OF THE PROJECT

The applicant's PAR states: "The Applicant is seeking a Change in Zoning from R-3 Residential to M-1 Light Industrial to conform to the Wailuku-Kahului Community Plan light industrial designation.

Historically (approximately 60 years ago) the site has been developed for commercial-light industrial. The proposed request will accommodate the pre-existing commercial-light industrial uses of the site. The site contains a gross area of 30,166 square feet (.69 acres) and buildings

with 9,080 square feet of usable floor area. No new or future development on the remaining portion of the site is proposed as part of this application.”

The applicant originally submitted a parking and landscaping plan to add and/or stripe 23 parking spaces, including five shade trees and four parking spaces parallel to and adjoining Waiale Road. Consultants for the applicant have very recently prepared a revised landscape and parking plan with 13 striped parking stalls. They indicate it also includes a shrub/hedge landscape buffer along the existing fence between the site and the adjacent residential property, as well as 5-6 trees. (**Exhibit “9”**).

As no building development is proposed at this time, no road improvements, site drainage improvements, or water or fire protection upgrades have been proposed by the applicant.

The applicant has provided the following information on operations and management in it PAR. “The existing buildings at 485 Waiale Drive will continue to operate as a Light Industrial use. Currently there is an equipment dealer, a bail bonds business and a water distributor. There are twelve (12) employees at the property and the hours of operation are 8:00 AM to 8:00 PM. There are no proposed fees charged to residents and visitors.”

REVIEWING AGENCIES

County Agencies:

1. Department of Transportation – Comments by memo dated September 25, 2008 (**Exhibit “10”**), and Applicant’s response letter dated January 12, 2009 (**Exhibit “11”**)
2. Department of Planning, Zoning Administration and Enforcement Division (ZAED) – Comments by email dated September 30, 2009 (**Exhibit “12”**), and by memo dated February 6, 2009 (**Exhibit “14”**), Applicant’s response letter dated January 26, 2009 (**Exhibit “13”**)
3. Police Department – Comments by memorandum dated October 9, 2009 (**Exhibit “15”**), Applicant’s response letter dated January 12, 2009 (**Exhibit “16”**)
4. Department of Public Works – Comments by memoranda dated October 16, 2008 (**Exhibit “17”**) and letter dated February 26, 2009 (**Exhibit “19”**), Applicant’s response letter dated January 12, 2009 (**Exhibit “18”**)
5. Department of Water Supply – Comments by letter dated October 17, 2008 (**Exhibit “20”**), Applicant’s response letter dated January 12, 2009 (**Exhibit “21”**)
6. Department of Environmental Management – Comments by memo dated October 20, 2008 (**Exhibit “22”**), Applicant’s response letter dated January 12, 2009 (**Exhibit “23”**)
7. Department of Fire and Public Safety – Comments by letter dated January 26, 2009 (**Exhibit “24”**), Applicant’s response letter dated January 29, 2009 (**Exhibit “25”**)

8. Civil Defense Agency - Comments by email dated February 5, 2009 (**Exhibit "26"**), Applicant's response letter dated February 10, 2009 (**Exhibit "27"**)
9. Department of Planning, Cultural Resources Planner - Comments by email dated March 4, 2009 (**Exhibit "28"**)

State Agencies:

10. Department of Health, Maui District Health Office - Comments by letter dated October 14, 2008 (**Exhibit "29"**), and Applicant's response letter dated January 12, 2009 (**Exhibit "30"**)
11. Department of Land and Natural Resources, Historic Preservation Division - Comments by letters dated November 28, 2008 (**Exhibit "31"**) and March 31, 2009 (**Exhibit "34"**), Applicant's response letters dated January 19, 2009 (**Exhibit "32"**), March 17, 2009 (**Exhibit "33"**), and May 20, 2009 (**Exhibit "35"**)

Others comments:

12. Maui Electric Co., Ltd - Comments by letter dated September 30, 2009 (**Exhibit "36"**), and Applicant's response letter dated January 12, 2009 (**Exhibit "37"**)
13. Hawaiian Telcom - No comments by memorandum dated October 3, 2008 (**Exhibit "38"**), Applicant's response letter dated January 12, 2009 (**Exhibit "39"**)

ANALYSIS

LAND USE

1. The proposed project is in conformance with the goals, objectives and policies of the Hawaii State Plan.
2. The Maui County General Plan (1990) sets forth broad objectives and policies to help guide the long-range development of the County. As stated in the Maui County Charter, as amended in 2002:

"The General Plan shall indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain the opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns, and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development."

The General Plan identifies five major themes as follows:

1. Protect Maui County's agricultural lands and rural identity
2. Prepare a directed and managed growth plan
3. Protect Maui County's shoreline and limit visitor industry growth
4. Maintain a viable economy that offers diverse employment opportunities for residents
5. Provide for needed residential housing

The proposed action is in keeping with the following General Plan objectives and policies:

Land Use

Objective 1: *To preserve for present and future generations existing geographic, cultural and traditional community lifestyles by limiting and managing growth through environmentally sensitive and effective use of land in accordance with the individual character of the various communities and regions of the County.*

Policy b: *Provide and maintain a range of land use districts sufficient to meet the social, physical, environmental and economic needs of the community.*

Economic Activity

Objective 1: *To provide an economic climate which will encourage controlled expansion and diversification of the County's economic base.*

Policy a: *Maintain a diversified economic environment compatible with acceptable and consistent employment.*

3. The Wailuku-Kahului Community Plan designates the property as Light Industrial. The proposed uses for the property are consistent with this current community plan designation. The immediately contiguous parcels either have this same Light Industrial designation or are in permanent open space as a stormwater retention area.

With the application of conditions of approval as appropriate, the proposed use of the site is consistent with the following goals, objectives, policies, and implementing actions of the Wailuku-Kahului Community Plan:

ECONOMIC ACTIVITY

Goal:

A stable and viable economy that provides opportunities for growth and diversification to meet long-term community and regional needs and in a manner that promotes agricultural activity and preserves agricultural lands and open space resources.

Objectives and Policies

4. *Provide industrial growth opportunities through the expansion of existing industrial centers associated with the airport and harbor, and in Wailuku and Kahului. Encourage the fee simple ownership of lots provided by private developers.*

ENVIRONMENT

Goal:

A clean and attractive physical and natural environment in which man-made developments or alterations to the natural environment relate to sound environmental and ecological practices, and important scenic and open space resources are maintained for public use and enjoyment.

Objectives and Policies

8. *Minimize noise, water and air pollution from industrial uses, electric power generating facilities and wastewater treatment plants.*

Discussion: Although the property and a number of the parcels nearby to the north are designated as Light Industrial in the Wailuku-Kahului Community Plan, they appear to have been zoned as Residential since the inception of County Zoning. The parcels to the immediate north are in residential use and appear to have been so for many years, most likely also since before the inception of County zoning. The subject property appears to be the primary non-residentially used parcel in this relatively small area designated as Light Industrial in the Community Plan.

The M-1 Light Industrial District allows a broad range of uses as permitted uses with no discretionary review by the Planning Commission (**Exhibit "40"**). Given the limited size of the site, major light industrial uses are clearly not likely to be developed, but some uses permitted in the Light Industrial District which could possibly be established at smaller scales could lead to some levels of "noise, water and air pollution", most likely noise.

Given that much land adjoining and nearby the property is still residentially zoned and residentially used, some of the permitted uses in the M-1 Light Industrial District could impact these residents. It is worthy to consider if and how these residential uses should be "protected" from the potential impacts of possible light industrial uses. A restriction in the range of allowed light industrial uses for an interim during which residential uses still adjoin or are nearby the property is one possible approach. Another possible approach would be to require interim discretionary review of uses of the site, or maybe some uses such as those not conducted wholly within a completely enclosed building. These considerations are the genesis of recommended condition no. 2. However, the applicant's consultant does not feel that such possible limitations are appropriate.

LAND USE

Goal:

An attractive, well-planned community with a mixture of compatible land uses in appropriate areas to accommodate the future needs of residents and visitors in a manner that provides for the social and economic well being of residents and the preservation and enhancement of the region's environmental resources and traditional towns and villages.

Objectives and Policies

10. *All zoning applications and/or proposed land uses and development shall conform with the planned use designations, as specified in the adopted Community Plan Land Use Map, and be consistent with the Community Plan policies.*

INFRASTRUCTURE/TRANSPORTATION

Goal:

Timely and environmentally sound planning, development and maintenance of infrastructure systems which serve to protect and preserve the safety and health of the region's residents, commuters and visitors through the provision of clean water, effective waste disposal and drainage systems, and efficient transportation systems which meet the needs of the community.

Objectives and Policies

2. *Provide bikeway and walkway systems in the Wailuku-Kahului area which offer safe and pleasant means of access, particularly along routes accessing residential districts, major community facilities and activity centers, school sites, and the shoreline between Kahului Harbor and Pa'ia.*

Implementing Actions:

5. *Implement the State Department of Transportation Bikeway Master Plan and the County Bikeway Plan.*

Objectives and Policies

10. *Preserve the Waiale Bridge and the significant subsurface archaeological sites in the Waiale Drive corridor, from the Mahalani Street intersection to Lower Main Street by maintaining the existing roadway width.*

URBAN DESIGN

An attractive and functionally integrated urban environment that enhances neighborhood character, promotes quality design, defines a unified landscape planting and beautification theme along major public roads and highways, watercourses and at major public facilities, and recognizes the historic importance and traditions of the region.

Objectives and Policies

7. *Buffer public and quasi-public facilities and light-heavy industrial/commercial type facilities from adjacent residential uses with appropriate landscape planting.*
10. *Incorporate drought tolerant plant species and xeriscaping in future landscape plantings.*
11. *Use native Hawaiian plants for landscape planting in public projects to the extent practicable.*
12. *Existing and future public rights-of-way along roads and parks shall be planted with appropriate trees, turfgrass and ground covers.*
13. *Encourage neighborhoods and community organizations to upgrade and maintain streets and parks in accordance with the Maui County Planting Plan of the Arborist Committee.*
15. *Emphasize contrasting earth-tone color schemes for buildings and avoid bright or garish colors. Within Wailuku Town, require buildings that have bright or garish colors to comply with earth-tone color schemes.*

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

1. Pursuant to *Section 19.510.010(D)(9)* the applicant's PAR stated that "The current site is a pre-existing light industrial use. The project proposes a Change in Zone from R-3 Residential District to M-1 Light Industrial District. No new development is planned on the site and will not involve any ground disturbing work, or other such activities, in the project area. Because there is no planned ground disturbing work, Dr. Melissa Kirkendall of the State Historic Preservation Division (SHPD) has determined that she has no archaeological concerns about the project area and that no further archaeological work should be required."
2. The State Historic Preservation Division commented by letters dated November 28, 2008 (Exhibit "29") and March 31, 2009 (Exhibit "32"). The initial letter stated, in large part, "The subject area is considered extremely culturally sensitive. We are concerned about the proposal included with the application for architectural and landscape architectural renovations to the site and east buildings. We are also concerned about any potential future work or alterations to the existing parcel, as a result of the current action. There are significant historic properties documented on immediately adjacent parcels and we believe undocumented historic properties may be contained within the subject area.

We do not concur with the *Archaeological/Cultural Resources* section and the *Archaeological Letter* submitted within the current application. We wish to clarify there may be undocumented historic properties located on the subject parcel. The historic Spreckels Ditch is immediately adjacent to the current property boundary (SIHP 50-50-04-1508). We

believe there may be existing structures on the parcel that are greater than 50 years old. If there are structures over 50 years old, we request that our architecture branch have the opportunity to provide comments and recommendations. We wish to elucidate the high probability for encountering cultural deposits including human burial features during any landscaping or construction projects on the parcel. An archaeological monitoring program for the adjacent Wai'ale Road sewer pipeline project documented three extremely significant archaeological sites with multiple component features including cultural layers, a hearth, multiple human burial features, pits, and postholes (SIHP 50-50-04-4005, -4067, and -4068). Documented human burial features including previously disturbed skeletal remains were documented on the surface and very shallow sandy deposits within immediately surrounding areas.

We believe historic properties and/or previously disturbed historic properties may be present in the subject property. Therefore, in order to determine the effect of the proposed application on historic sites, we recommend an archaeological assessment/inventory survey be conducted on the subject parcel to determine whether significant historic properties are present.... Following the survey, an acceptable report documenting the findings will need to be submitted to this office for review. In the event that historic properties are identified, proposed mitigation in consultation with this office will be submitted for review and approval."

After a series of communications between the applicant's consultant, SHPD and the Department, SHPD sent a second letter with pertinent points as follows: "This letter serves as a revision to a November 28, 2008 comment letter for the abovementioned application in which we recommended that an archaeological inventory survey of the subject parcel be completed prior to approval (SHPD LOG 2008.4416; DOC NO: 081 1JP 18). The application was submitted for the purpose of conforming to the Wailuku-Kahului Community Plan M-I Light Industrial Designation. The 30,166 square foot (.692 acre) subject parcel, situated at 485 Wai'ale Road in Wailuku, is the location of two commercial buildings dating to 1947. While no new or future development is proposed by the current application, it does include plans for landscape (irrigation) and parking lot improvements. Architectural modifications to the existing buildings will need to be reviewed under separate cover by Susan Tasaki of the SHPD's Architecture Branch. Upon further review, we have concluded that because the area of proposed effect has been built-out and is currently used for commercial-light industrial activities, that precautionary archaeological monitoring during any ground altering disturbance, regardless of how shallow, is a more appropriate form of mitigation." The mitigations proposed in the second letter have been transferred into recommended conditions of approval nos. 13 and 14.

3. The cultural resources planner for the Department commented in an email dated March 4, 2009 (Exhibit "26"), in part "There needs to [be] an architectural inventory survey of the site before further work can be approved. "

SECONDARY IMPACTS

Pursuant to *Section 19.510.010(D)(10)* the applicant's PAR states: "The Change in Zoning of the site will not impact current socio-economic conditions, as the pre-existing light commercial-industrial uses on this parcel will be maintained. Again, no new development is proposed for the site."

TRAFFIC

1. Pursuant to *Section 19.510.010(D)(11)*, a Traffic Impact Analysis Report (TIAR) was prepared by Phillip Rowell and Associates dated November 2, 2006. Excerpts from the applicant's PAR relative to neighborhood traffic follow:

"From the analysis it was determined that left turns out of the westbound lane of Waiinu Road were the heaviest used lanes in the intersection of Waiale Drive at Waiinu Road. The number of vehicles entering and exiting the site were counted during the traffic counts. During the morning peak hour, no vehicles entered or exited the site. During the afternoon peak hour, 11 vehicles entered the site and 5 vehicles exited the site.

The Level of Service (LOS) is a qualitative measure of the effect of a number of factors which include space, speed, travel time, traffic interruptions, freedom to maneuver, safety, driving comfort and convenience. There are six LOS, A through F, which relate to the driving conditions from best to worst, respectively. The conclusion of the LOS analysis is that the existing LOS is controlled by the westbound to southbound left turn, which operates at a LOS F. The remaining movements operate at LOS C or better, which is acceptable.

It should be noted that the *Maui Long Range Land Transportation Plan* recommended that the adjacent section of Waiale Road be widened from two to four lanes. Any future development of this parcel should consider this during design.

A LOS D is generally considered to be the minimum acceptable peak hour LOS for urban intersections. Accordingly, based on the findings of the LOS analysis, the intersection of Waiale Drive at Waiinu Road should be improved to mitigate the LOS F of the westbound to southbound left turn.

Installation of a left turn refuge lane for westbound to southbound left turn will improve the level of service (LOS) from LOS F to LOS D. Since the LOS is not the result of site generated traffic, this improvement should be assessed against other developments within Maui Lani or when Waiale Drive is widened from two to four lanes as recommended in the *Maui Long Range Land Transportation Plan*.

Phillip Rowell and Associates has provided a letter and attachment outlining the traffic generated by a potential future development. The updated study determines that the project will generate a maximum of 10 additional trips during the morning or afternoon peak hour.

After distribution and assignment of the additional 10 trips that may be generated and rounding the projections to the nearest five (5), as we typically do for a traffic impact analysis, the projections of any of the approach volumes would change a maximum of five (5) vehicles per hour. This is not enough of a change to result in a lower level-of-service of any of the projections and therefore would not change the conclusions or recommendations of the traffic Impact Assessment Report for the project."

2. The Department of Public Works had no comments on the traffic study.
3. The Maui Police Department's only comments in a memo dated October 9, 2008 (Exhibit "15"), related to traffic were to ask that, during any construction "adequate traffic control

devices and personnel should also be utilized to minimize the impact of heavy equipment and vehicles traveling in and out of the area.”

WATER

1. Pursuant to *Section 19.510.010(D)(13)*, the applicant's PAR indicates: "The project area is currently served by a ¾" water meter together with a backflow prevention device that are located at the southeast corner of the property. Based on the existing plumbing fixtures, the present domestic water usage is 30 gallons per minute (gpm). Current fire protection to the project site is provided by the existing fire hydrant (FH #37) located at the northeast corner of the lot.

The pre-existing commercial-light industrial uses of the site will not result in additional water demand, because the proposed Change in Zoning does not include development of the site.

As a result, no change in water use will occur on these parcels and water system improvements are not warranted. The land use of the site has historically been Light Industrial; therefore the change in land use (from R-3 Residential to M-1 Light Industrial) is not expected to result in significant long-term impacts upon the County's public water system."

2. The Department of Water Supply (DWS) commented in a letter dated October 17, 2008 (Exhibit "19"), as follows: "The subject property is served by one 5/8-inch water meter. There is currently no additional source available to accommodate new customers according to system standards on the Central Maui System. Should larger or additional meters be required, the Department may delay issuance of meter until new sources are on line.

The subject property is bordered by two DWS waterlines on the eastside running along Waiale Road: a 12-inch and a 4-inch. There is one DWS fire hydrant adjacent east of the lot that is on a 4-inch waterline, and this is not up to system standards. Required fire flow to Light Industrial zoned use is 2,000 gallons per minute for 2 hours duration and 250 foot hydrant spacing. The applicant should be required to install two hydrants on the 12-inch waterline at 250' spacing as a condition of the permit. In addition, should any building occur in the future, the applicant will be required to provide for water service and fire protection in accordance with system standards. We are pleased to note that there is backflow device at the southeast corner of the parcel."

SEWAGE

1. Pursuant to *Section 19.510.010(D)(14)*, the applicant's PAR indicates: "There is an existing 10-inch line behind the property that was installed in the 1930's and an 18-inch sewer line on Waiale Drive, which fronts the property, was installed in the 1970's. Both of these sewer lines are part of the Wailuku Wastewater System.

According to the Preliminary Engineering Report and Drainage Study created by R.T. Tanaka Engineers, Inc. a total of 700 gallons of wastewater per day will be generated. This number was generated based on the number of employees at the property and floor area of the existing buildings.

The site is currently used for commercial and industrial activities, hence it is not expected that the existing wastewater flow contribution will increase as a result of the rezoning of the property. Since the pre-existing uses on the site will be maintained, no sewer system improvements are required for this parcel.

However should there be any future redevelopment of the property, the wastewater flow will be determined accordingly. "

2. The Department of Environmental Management (DWS) made comments in a letter dated October 20, 2008, (Exhibit "20") which would be applicable in the case of possible future development and building permit issuance on this site, but which does not affect the existing action involving no new development at this time.

SOLID WASTE DISPOSAL

1. Pursuant to *Section 19.510.010(D)(15)* the applicant has indicated in its PAR "The project site contains pre-existing uses and the proposed Change in Zoning is not expected to generate an additional significant demand for Solid Waste and Hazardous Materials services; therefore it will not have an adverse impact upon existing services.
2. By memo dated October 20, 2008 (Exhibit "20"), the Solid Waste Management Division of the Department of Environmental Management offered no comments.

ENVIRONMENTAL IMPACTS

There will be short term noise and air quality impacts during the construction phases of the project. Best management practices should be incorporated into the project in accordance with Federal, State and County standards.

Pursuant to *Section 19.510.010(D)(16)*, the applicant's PAR states: "The site does not provide habitats for any plant or animal life, as it is a developed parcel, used for commercial-light industrial activities. There are no known rare, threatened or endangered species of flora and fauna located on the site nor any important wildlife habitats, streams and or wetlands."

DRAINAGE

1. Pursuant to *Section 19.510.010(D)(17)*, the applicant's PAR and/or a "Preliminary Civil Engineering Report with Drainage Study" for the project indicate the following, slightly paraphrased. Based on site topography, a small portion of the site along Waiale Road drains onto the road. Runoff from the remainder of the site converges at the low area behind the building that fronts Waiale Road, producing a drainage sump condition. Based on the existing ground elevations, the ponded water could reach a depth of about 8½ inches before overflows occur across the northern boundary onto the lower adjacent property. The existing Spreckels ditch and drainage basin to the south of the property practically eliminate offsite runoff to flow into the subject property.

"The property is within Zone 'AO' in accordance with the Flood Insurance Rate Maps for the County of Maui...Zone 'AO' represents areas of 100 year shallow flooding where depths are between one and three feet. The established average depth of the 100-year flooding at the

site is three feet... There is no proposed development for this project, hence no drainage plan was developed. Should there be any redevelopment of the property, construction drawings will be submitted to the County of Maui for review and approval as part of the building permit application. Any drainage improvements, such as subsurface retention basin, shall be designed in conformance with County Drainage Standards....The proposed project will not change the existing runoff quantities and drainage patterns, hence granting the Change in Zoning of the property will not create an additional adverse impacts drainage runoff to adjacent or lower downstream properties."

2. The Department of Public Works commented by memo dated October 16, 2008 (Exhibit "17"), and letter dated February 26, 2009 (Exhibit "19"). Although they commented that "the project is subject to possible flood inundation", they said they have "no further comments at this time" after the planning consultant stated "the subject CIZ application does not propose any new development."

OTHER PUBLIC SERVICES

1. **Electrical and Telephone** -- The applicant's PAR states: "Maui Electric Company (MECO), Hawaiian Telcom (aka, Verizon Hawaii), and Oceanic Time Warner Cable provide electrical, telephone, and cable television (CATV) service for the Central Maui region. Existing power and phone systems in the Central Maui are placed on overhead utility poles within roadway rights-of-way.... Since the pre-existing uses of the site will be maintained, no telephone and electrical system improvements will be required for this parcel."
2. **Parks and Schools** -- Since no development is proposed and the uses are non-residential, the proposed action will have no affect on parks or schools.
3. **Public Services** -- Since no development is proposed, the proposed action is not anticipated to have any impact on police or fire emergency services nor increase demand for medical services.

COMMUNITY MEETINGS

1. Pursuant to *Section 19.510.010(D)(18)*, the applicant's PAR states: "The proposed Change in Zoning from R-3 Residential to M-1 Light Industrial will not result in any development of the site. No significant impacts are anticipated as a result of this action and meetings were not held regarding this property."

SOCIO-ECONOMIC IMPACTS

1. **Beach and Mountain Access** -- Pursuant to *Section 19.510.010(D)(23)*, no traditional beach and mountain access trails or additional trails were identified.
2. **Population and Economy** -- The applicant's PAR states: "The Change in Zoning of the site will not impact current socio-economic conditions, as the pre-existing light commercial-industrial uses on this parcel will be maintained. Again, no new development is proposed for the site.

3. **Housing** -- No impacts upon housing are anticipated.

OTHER GOVERNMENTAL APPROVALS

Landscape plan approval will be required from the Department of Planning.

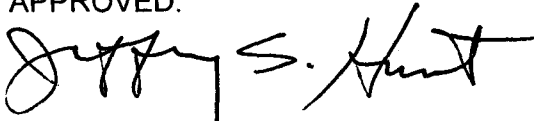
TESTIMONY

As of June 19, 2009, the Planning Department has received one letter from the public in opposition to the proposed action (**Exhibit "41"**) and no letters in support of the action.

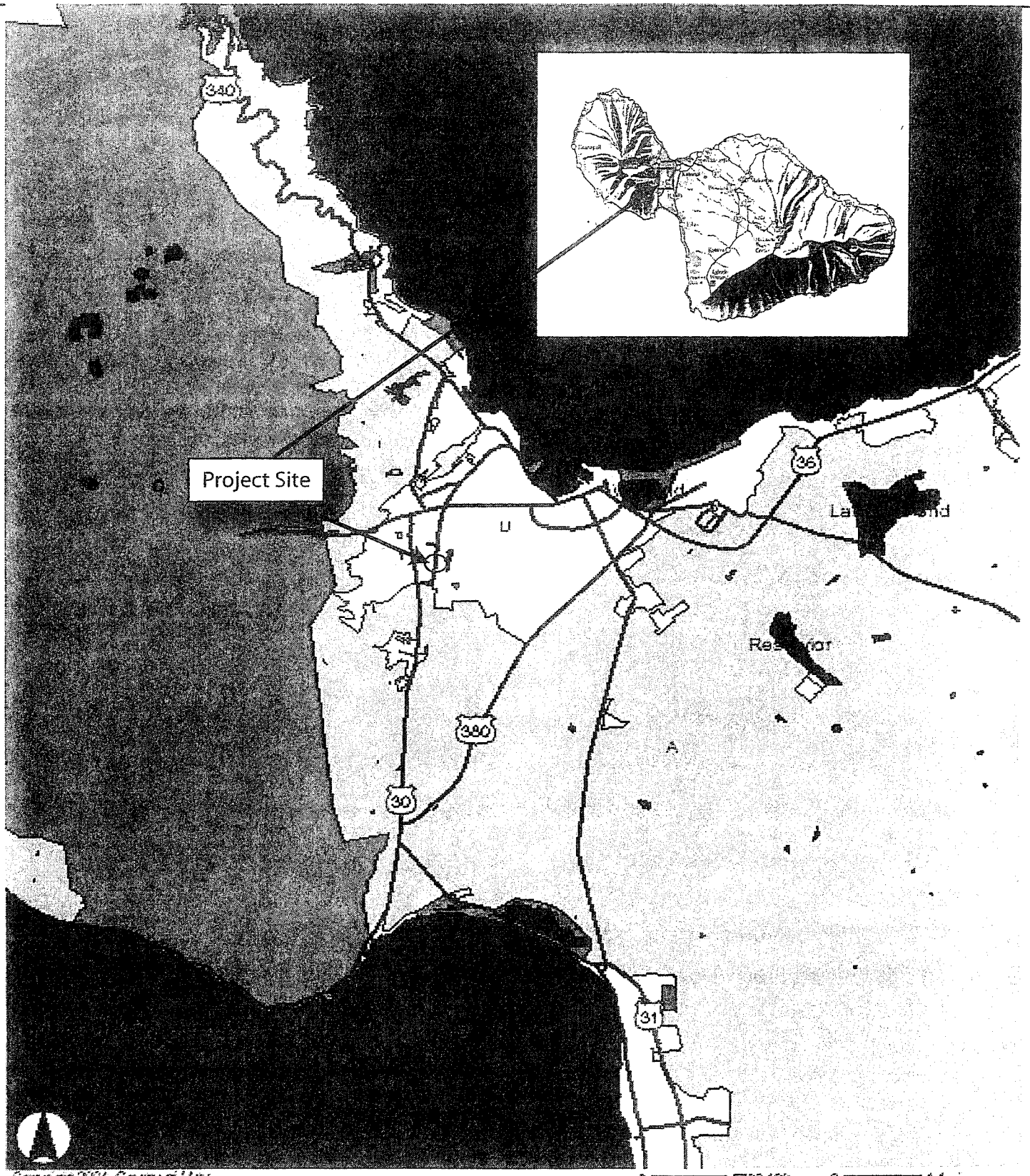
ALTERNATIVES

1. **Deferral.** The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.
2. **Recommend Approval With No Conditions.** The Commission may take action to recommend to the Maui County Council approval of the Change in Zoning without imposing any conditions.
3. **Recommend Approval With Conditions.** The Commission may take action to recommend to the Maui County Council approval of the Change in Zoning with conditions.
4. **Recommend Partial Approval.** The Commission may take action to recommend to the Maui County Council partial approval of the application.
5. **Denial.** The Commission may take action to recommend to the Maui County Council to deny the application.

APPROVED:




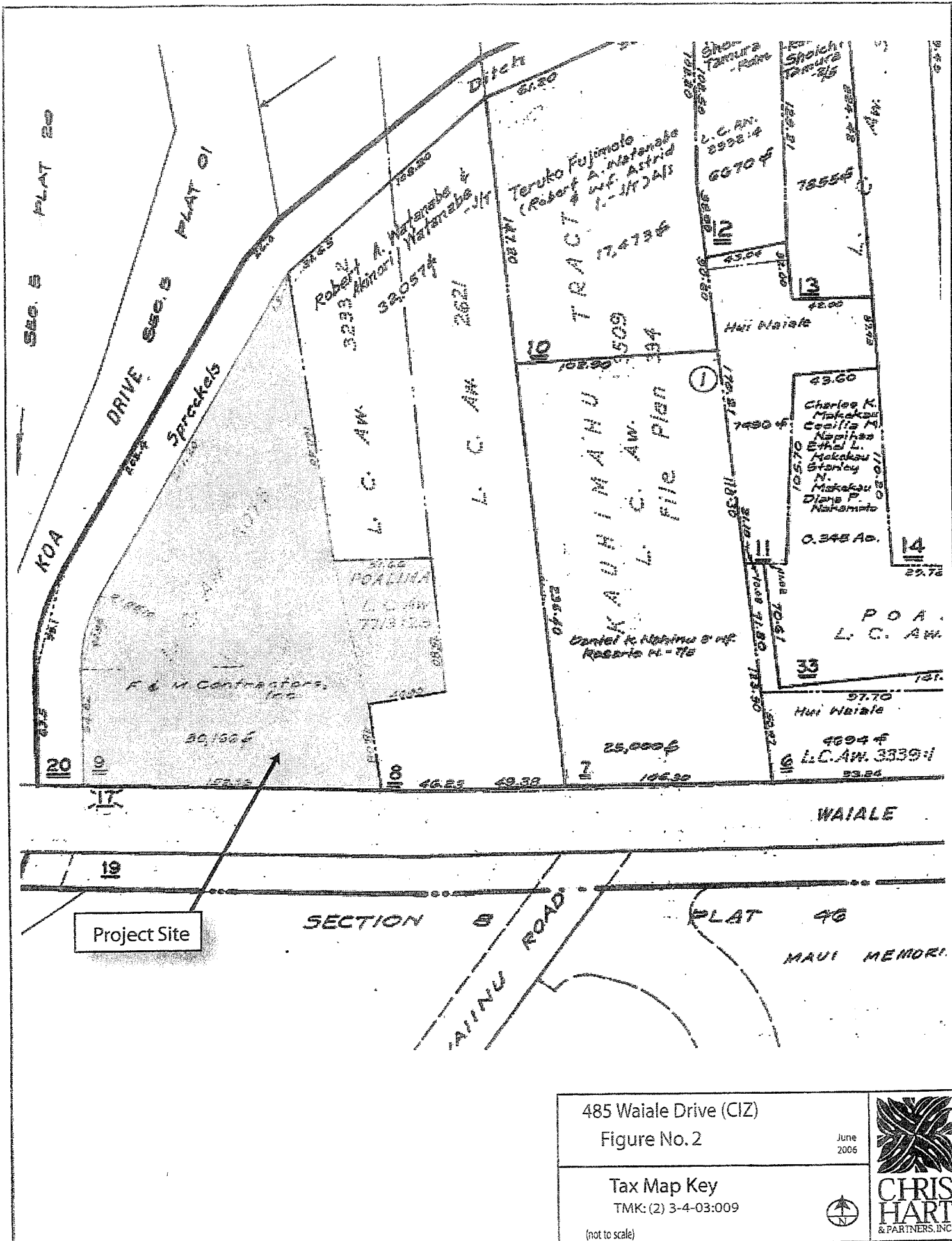
JEFFREY S. HUNT, AICP
Planning Director



Copyright 2004, County of Maui

0 5798.134 0 1.1mi

<p>485 Waiale Drive (CIZ) Figure No. 1</p>	<p>June 2006</p>
<p>Regional Map</p>	 <p>CHRIS HART & PARTNERS, INC.</p>



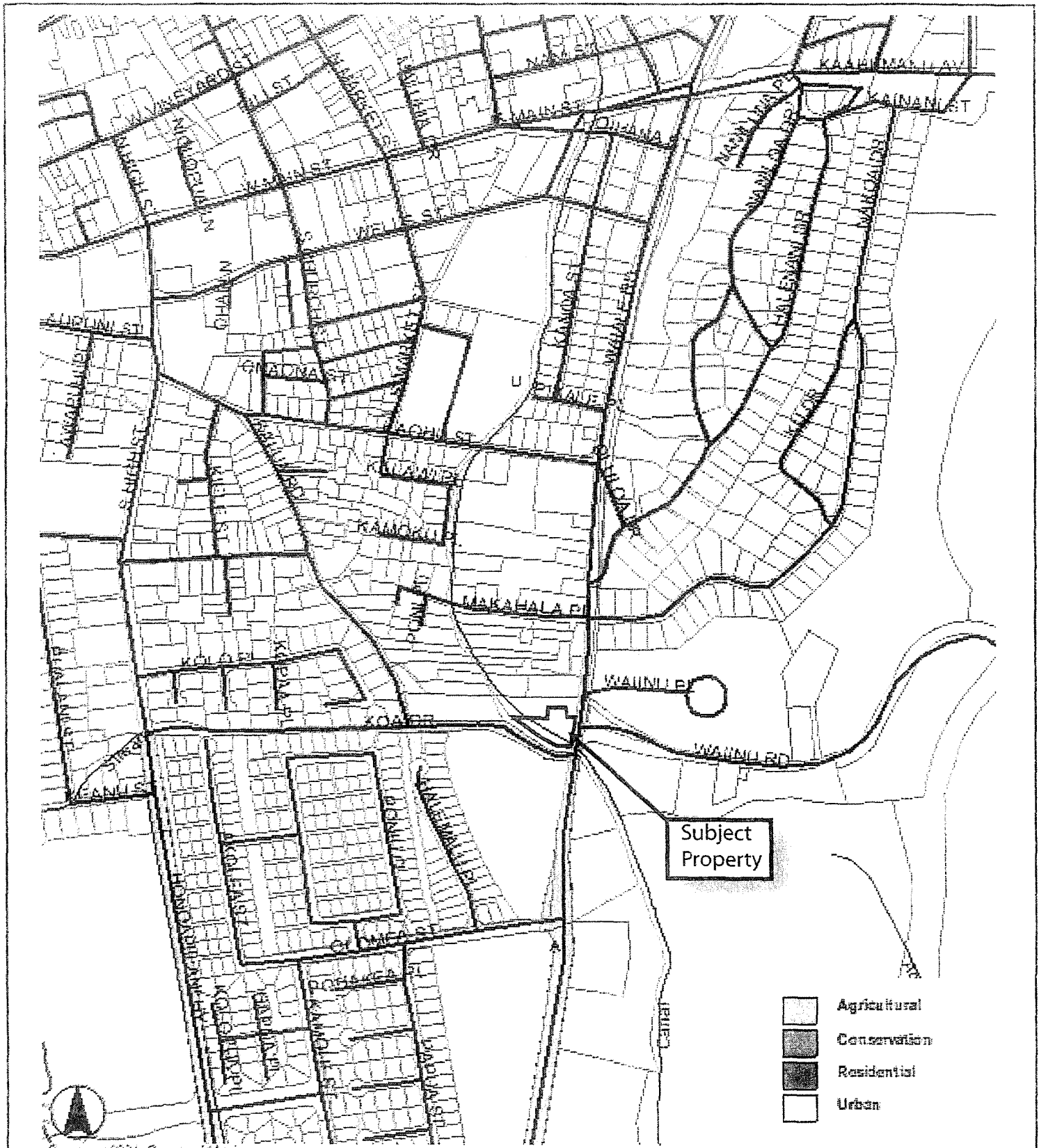
Project Site

485 Waiale Drive (CIZ)
Figure No. 2

June 2006


Tax Map Key
TMK: (2) 3-4-03-009
(not to scale)

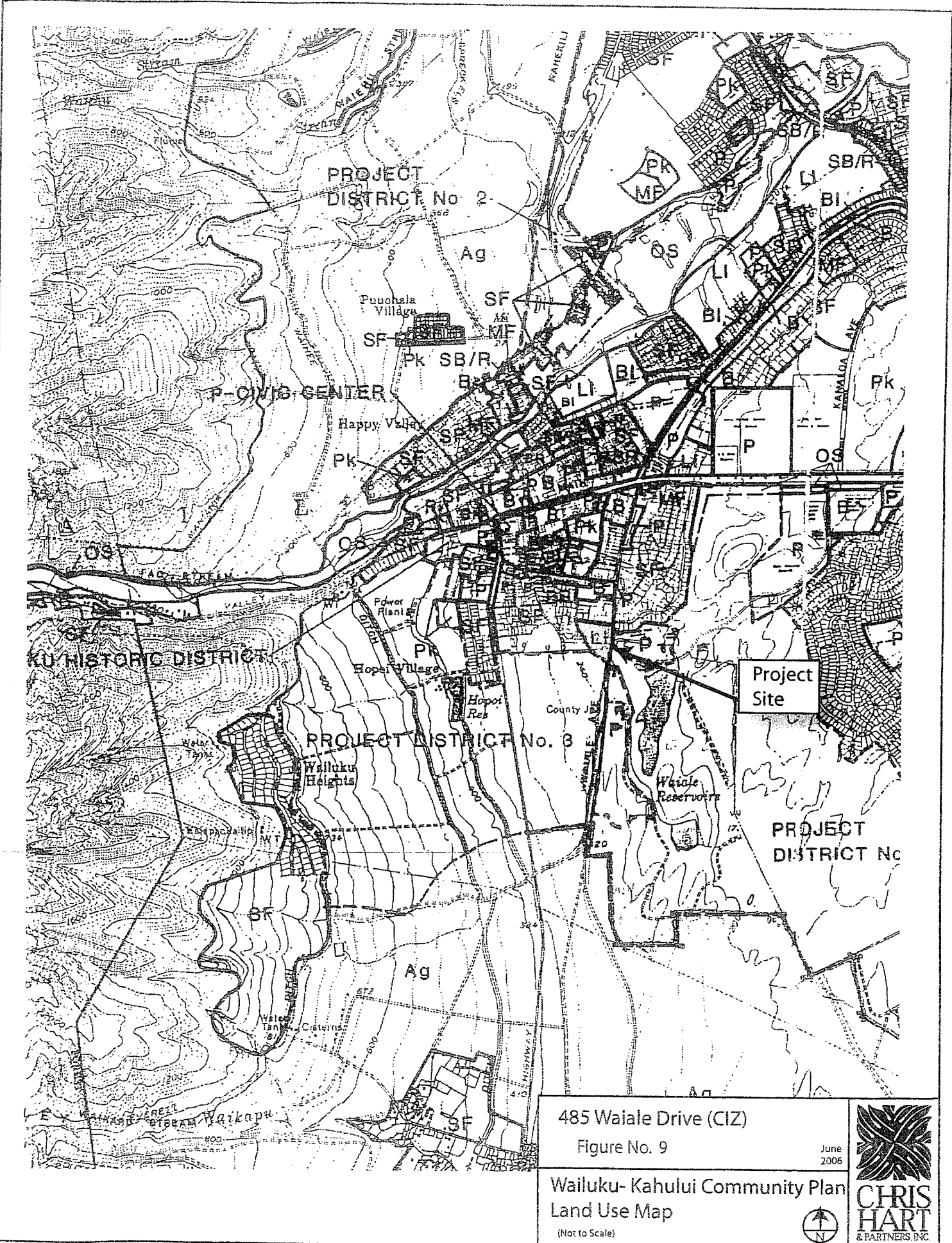




Copyright 2004 County of Maui

0 333.94% 0 0.05mi

485 Waiale Drive (CIZ)		 CHRIS HART & PARTNERS, INC.
Figure No. 8		
State Land Use District Boundary Map		June 2006



485 Waiale Drive (CIZ)

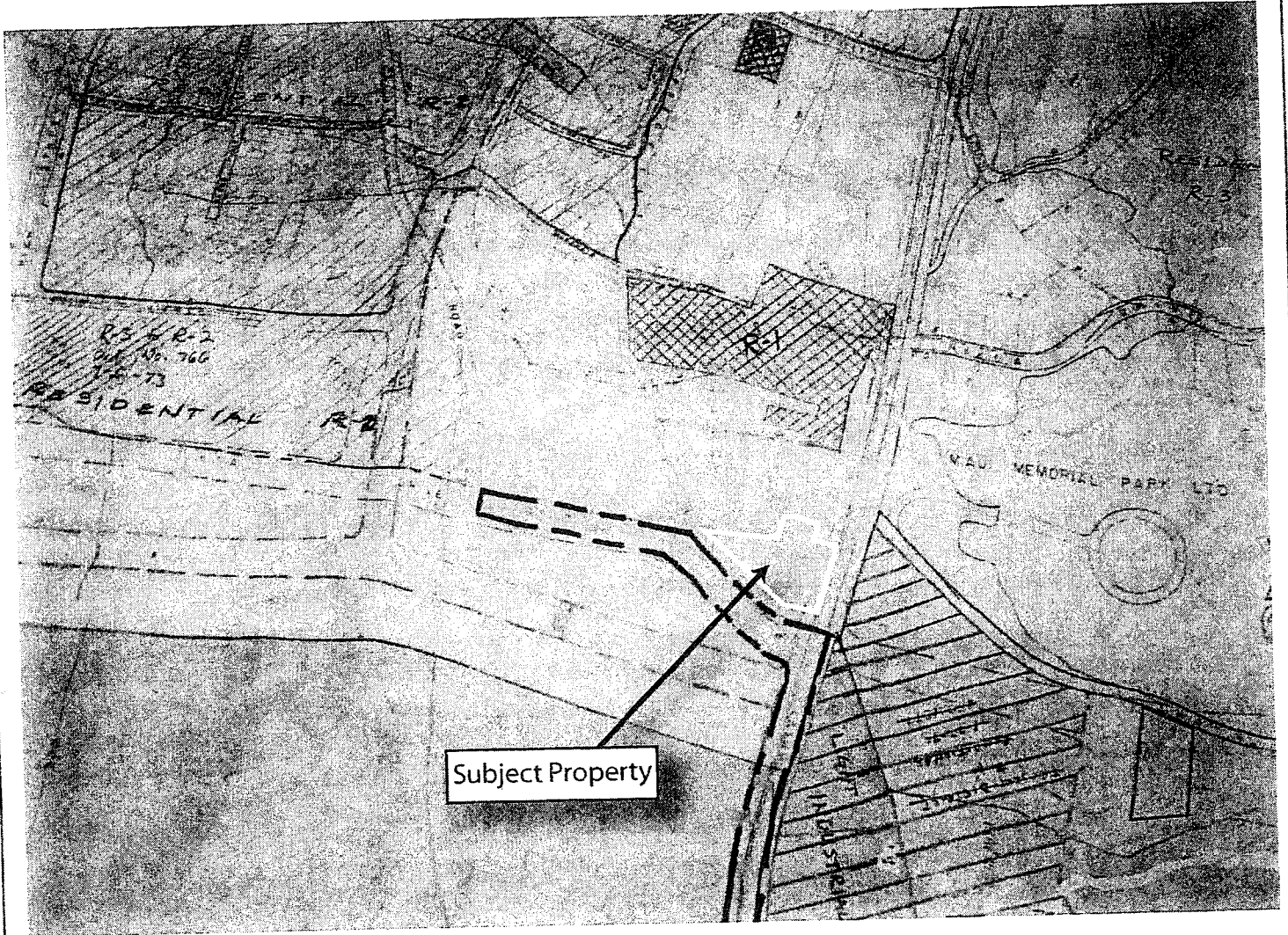
Figure No. 9

June
2006

Waialeale-Kahului Community Plan
Land Use Map

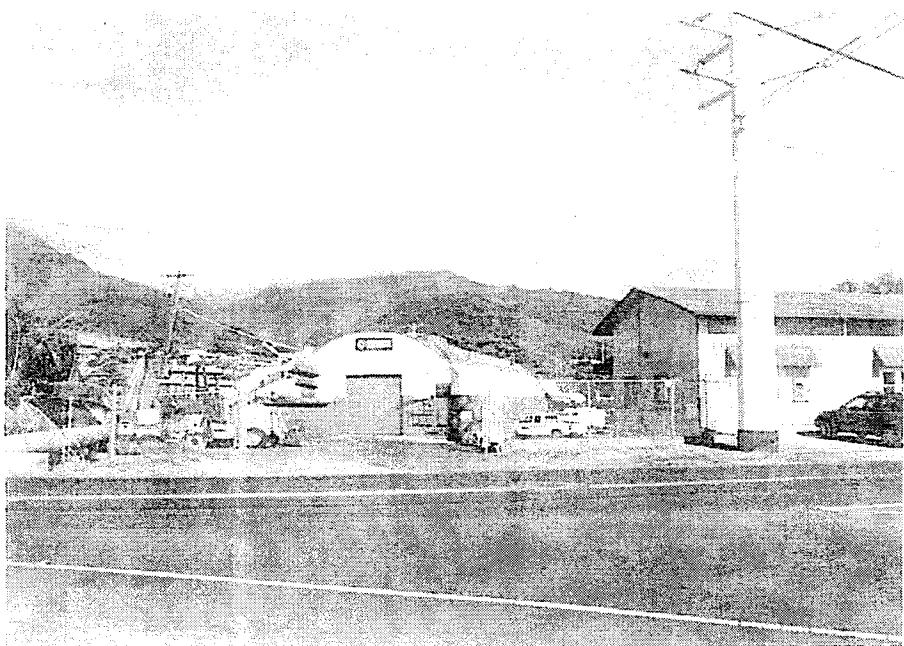
(Not to Scale)





Subject Property

485 Waiale Drive (CIZ)	June	
Figure No. 7	2006	
Zoning Map		CHRIS HART & PARTNERS, INC.
(not to scale)		



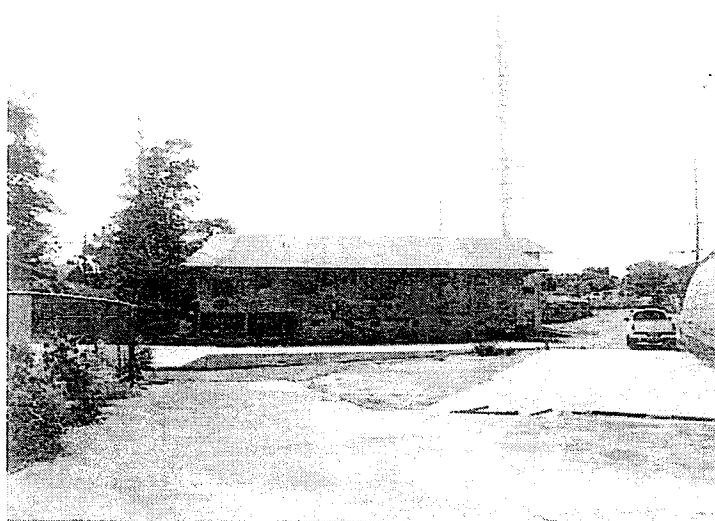
Project Site Entrance showing Warehouse (green and yellow building) and equipment storage area.



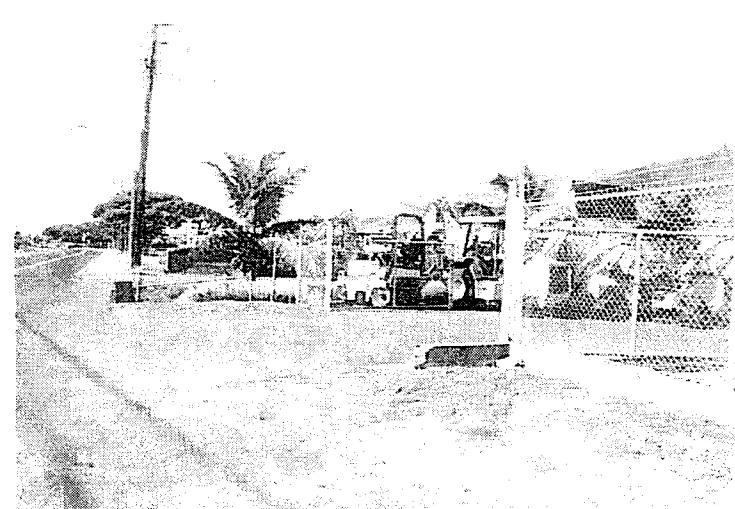
Building Fronting Waiale Drive.



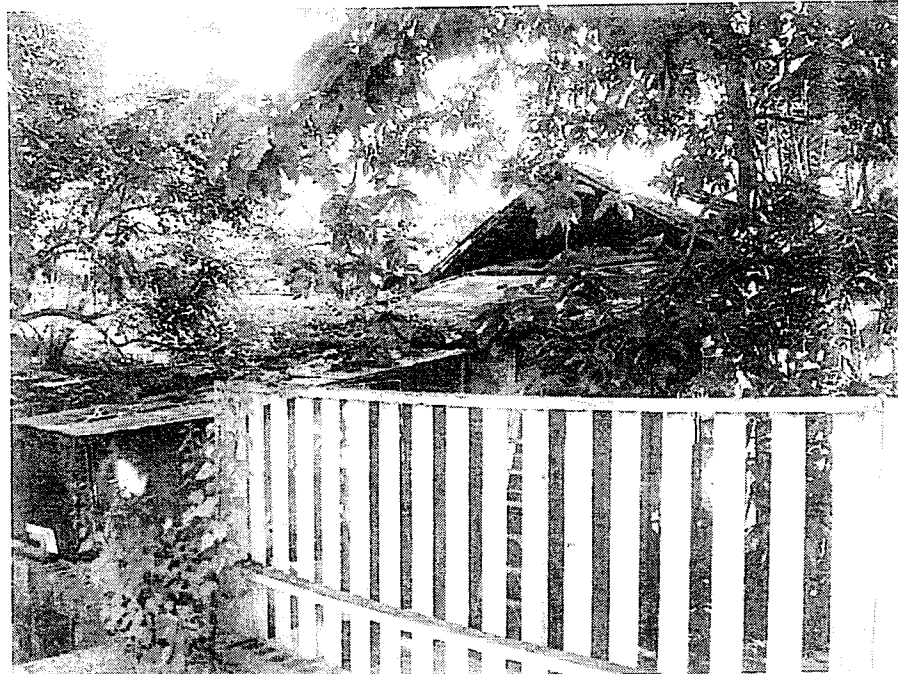
Warehouse and equipment storage area.



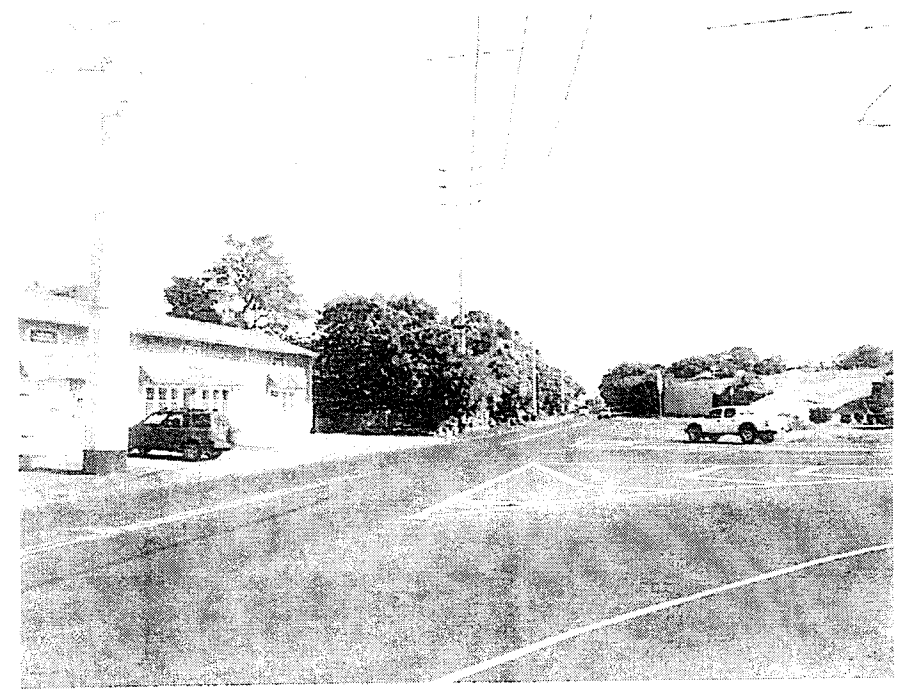
Rear of building fronting Waiale Drive and parking lot.



View of project site entrance from Waiale Drive.



View of adjacent existing residence from front parking lot.



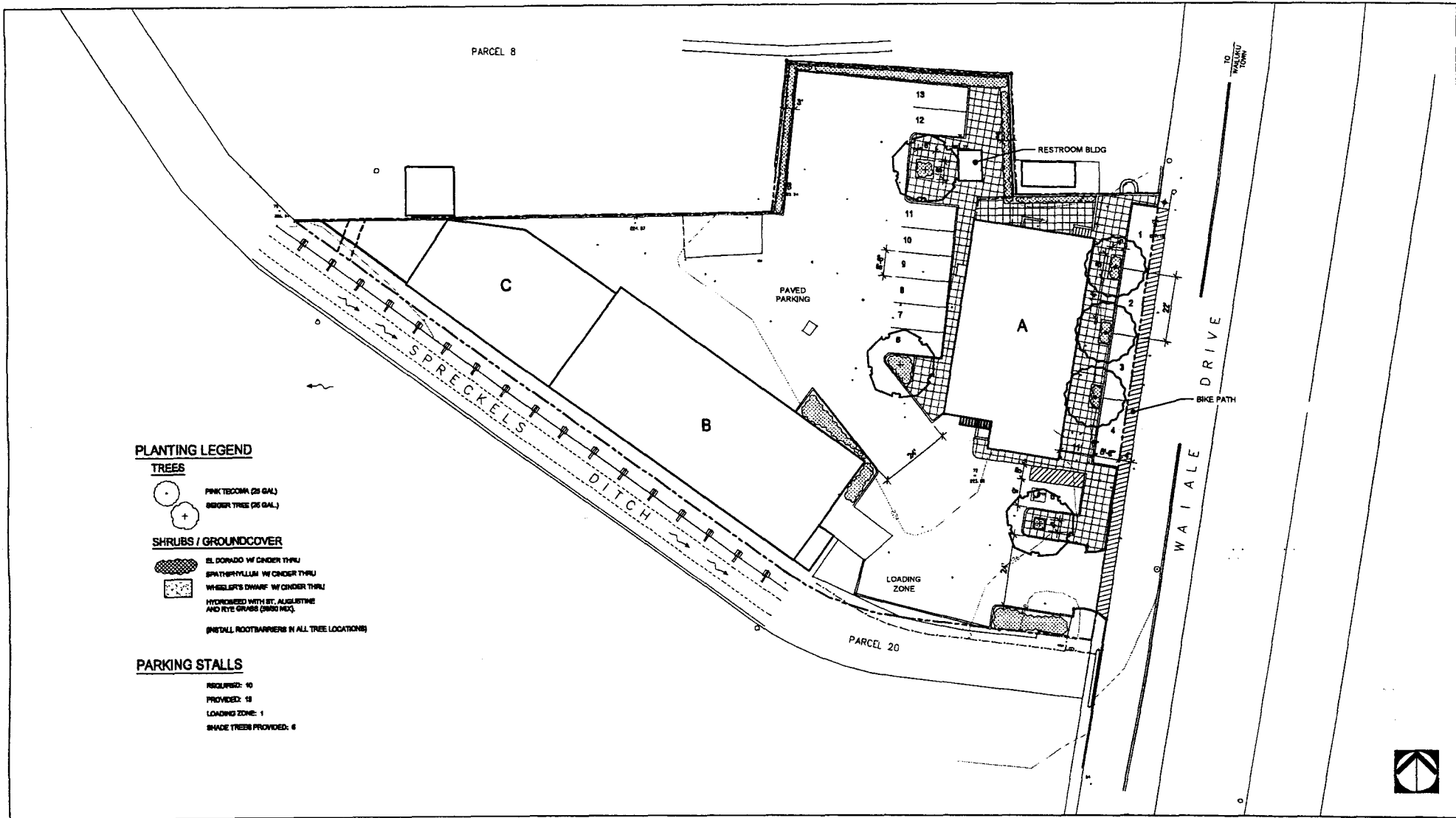
View of intersection of Waiale Drive and Waiinu Rd with project site to the left.



View of rear parking lot.

485 Waiale Drive (CIZ)	AMS
Figure No. 36	
Site Photographs	CHRIS HART

EXHIBIT 8







PLANTING LEGEND

TREES

-  PINK TECOMA (25 GAL.)
-  BIGGER TREE (25 GAL.)

SHRUBS / GROUNDCOVER

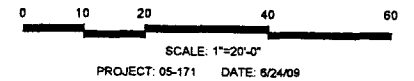
-  EL DORADO W/ CINDER THRU
 -  SPATHOPHYLLUM W/ CINDER THRU
 -  WHOLELOT'S DWARF W/ CINDER THRU
 -  HYDRANGEA WITH ST. AUGUSTINE AND RYE GRASS (2500 INCH)
- (INSTALL ROOTBARRIERS IN ALL TREE LOCATIONS)

PARKING STALLS

- REQUIRED: 10
- PROVIDED: 13
- LOADING ZONE: 1
- SHADE TREES PROVIDED: 6

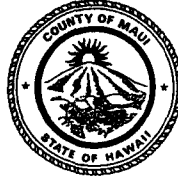
HECKTMAN CIZ PARKING PLAN

485 WAI'ALE DRIVE, WAILUKU, MAUI, HAWAII



PUBLISH 2

CHARMAINE TAVARES
 Mayor
 JEFFREY S. HUNT
 Director
 KATHLEEN ROSS AOKI
 Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

TRANSMITTAL

September 23, 2008

STATE AGENCIES		COUNTY AGENCIES	
X	Dept of Health, Maui (2)	X	Dept of Public Works (3 HC)
		X	Dept of Environmental Management (2)
		X	Dept of Water Supply
X	DLNR, Historic Preservation Div.	X	Fire Dept
		X	Police Dept
		X	Dept of Transportation
		X	Planning Department – ZAED
		X	Civil Defense (CPA/CIZ only)
OTHER		FEDERAL AGENCIES	
X	Maui Electric Company		
X	Hawaiian Telephone Co. (1 HC)		

PROJECT NAME: WAIALE ROAD PARCEL, CHANGE IN ZONING (CIZ)
APPLICANT: Graymark Waiale Road Associates, LLC.
SUBJECT I.D.: CIZ 2006/0014
TMK: (2) 3-4-003:009

TRANSMITTED TO YOU ARE THE FOLLOWING:

Application(s)

THESE ARE TRANSMITTED AS CHECKED BELOW:

For your Comment and Recommendation

Please provide any previous comments, letters, etc. pertinent to this application and identify which of your comments and recommendations you would like the Department of Planning to recommend as conditions of project approval. **Submit your comments directly to me by October 14, 2008.** If no comment, please sign the bottom and return. For additional clarification, please contact me via email at jeffrey.dack@mauicounty.gov or by phone at (808) 270-6275.

Sincerely,

For: JEFFREY P. DACK, Staff Planner
 JEFFREY S. HUNT, AICP, Planning Director

2008 SEP 28 PM 1 01
 DEPARTMENT OF PLANNING
 COUNTY OF MAUI
 RECEIVED

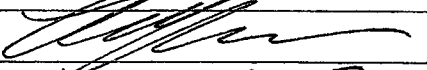
EXHIBIT 10

RECEIVED
 9-24-08
 MDOT

Transmittal – Waiale Road Parcel
September 23, 2008
Page 2

xc: Jeffrey P. Dack, Staff Planner
Graymark Waiale Road Assoc., LLC., Applicant
Chris Hart and Partners, Inc., Consultant, Attn: Brett Davis
Project File
General File

JSH:JPD:vb
K:\WP_DOCS\PLANNING\CIZ\2006\0014_WaialeRdParcel\CIZ\AgencyTrans.doc

We have no comment:	Signed:		Dated:	09-25-08
	Print Name:	Wayne A. Boteilho		
	Organization/Department:	Dep. Transportation Director		



CHRIS
HART
& PARTNERS INC.

January 12, 2009

Mr. Wayne A. Boteilho, Director
Department of Transportation
250 South High Street
Wailuku, Maui, Hawaii 96793

Dear Mr. Boteilho

Subject: Comments on the Waiale Road Parcel Change in Zoning (CIZ) at TMK
(2) 3-4-003:009, Wailuku Maui, Hawaii (CIZ 2006/014)

On behalf of the applicant Graymark Waiale Road Associates, LLC, we acknowledge receipt of your letter dated September 25, 2008 indicating the Department of Transportation has no comment on the proposed CIZ.

Thank you for your cooperation. If additional clarification is required, please contact Brett Davis of our staff at 242-1955.

Sincerely,

Christopher L. Hart, ALSA
President

CC: Mr. Brian Hecktman, Graymark Waiale Road Associates, LLC
Mr. Jeffrey Dack, Maui Planning Dept. ✓
Project File

From: Avelina Cabais
To: Jeffrey Dack
CC: Aaron Shinmoto; Francis Cerizo
Date: 9/30/2008 1:33 PM
Subject: CIZ 20060014 - Waiale Road Parcel

Jeffrey,

We offer the following comments:

1. The subject parcel is located in floodzone AO depth of 3' and C. Flood permit will be required for any development located in floodzone AO.
2. The parking analysis is acceptable but they will be required to get landscape plan approval. If they will claim for existing non-conforming parking, they need to submit documentation on when the building was built and the use started.
3. Comprehensive signage plan will be required for business in this establishments.

Thank you,

Avelina

C

JPD
09-02-08



09 JAN 29 P1:45 ✓

January 26, 2009

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Ms. Avelina Cabais
Maui County Planning Department
Zoning Administration and Enforcement Division
250 South High Street, #200
Wailuku, HI 96793

Dear: Ms. Cabais,

RE: Change in Zoning (CIZ) at 485 Waiale Drive Parcel
Wailuku, Maui, Hawaii at TMK: (2) 3-4-003:009 (CIZ 2006/0014)

On behalf of the applicant, Graymark Capital, we acknowledge receipt of your email dated September 30, 2008 and responses to your comments, are as follows:

1. The subject parcel is located in floodzone AO depth of 3' and C. Flood permit will be required for any development.

The subject CIZ application does not propose any development of the subject parcel. Flood permits will be sought for any future building permits.

2. The parking analysis is acceptable but they will be required to get landscape plan approval. If they will claim for existing non-conforming parking, they need to submit documentation on when the building was built and the use started. (Note: There are several existing buildings)

The attached Parking and Landscape Planting Plan is being submitted with this letter for approval. The subject CIZ will not result in additional development and the existing structures totaling 9,080 SF will be maintained. Pursuant to Maui County Code Chapter 19.36.010 the proposed M-1 Light Industrial zoning will require a total of 18 stalls and there is a total of 28 stalls on site. Therefore excess parking exists.

The subject property has adequate onsite capacity to provide off-street parking for the existing uses. Currently there are 9 ninety-degree parking stalls in front of the building on Waiale Drive. These parking stalls will be reconfigured into 4 parallel parking stalls, with the remainder of the parking located behind the building fronting Waiale Drive.

The attached Land Appraisal Cards are provided for documentation of building construction. Historically, Maui County did not start issuing building permit until 1951 therefore there are no building permit numbers to reference for these structures. Items C thru E are additional information for reference.

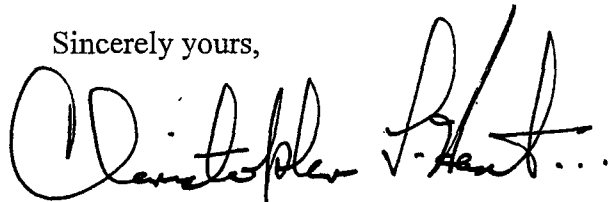
- A. Commercial and Industrial Appraisal Card indicates that the building fronting Waiale Road was built in 1947 and remodeled in 1979. On line No. 7 of the Card, the property use is identified as COM'L, Commercial. *(See: attachment)*
- B. Residential Appraisal Card indicates that the warehouse (rear building) was built in 1947 and on line no. 7 the property use is identified as IND. Industrial. *(See: attachment)*
- C. In August 1978 a rear office was built (B-781780) and in 1987 a restroom building was built (B-872792) on the subject property.
- D. In June 1989 (B-891327) and November 1990 (B-903326) building permits for storage were approved.
- E. Retail Storefront Alterations were completed from August 2006 to February 2007 (B-20062682)

3. Comprehensive signage plan will be required for business in this establishment.

The applicant has an existing comprehensive signage plan for the business located on the subject parcel.

Thank you for your comments on this application. Should you have any questions, please contact Brett Davis of our staff at 242-1955.

Sincerely yours,



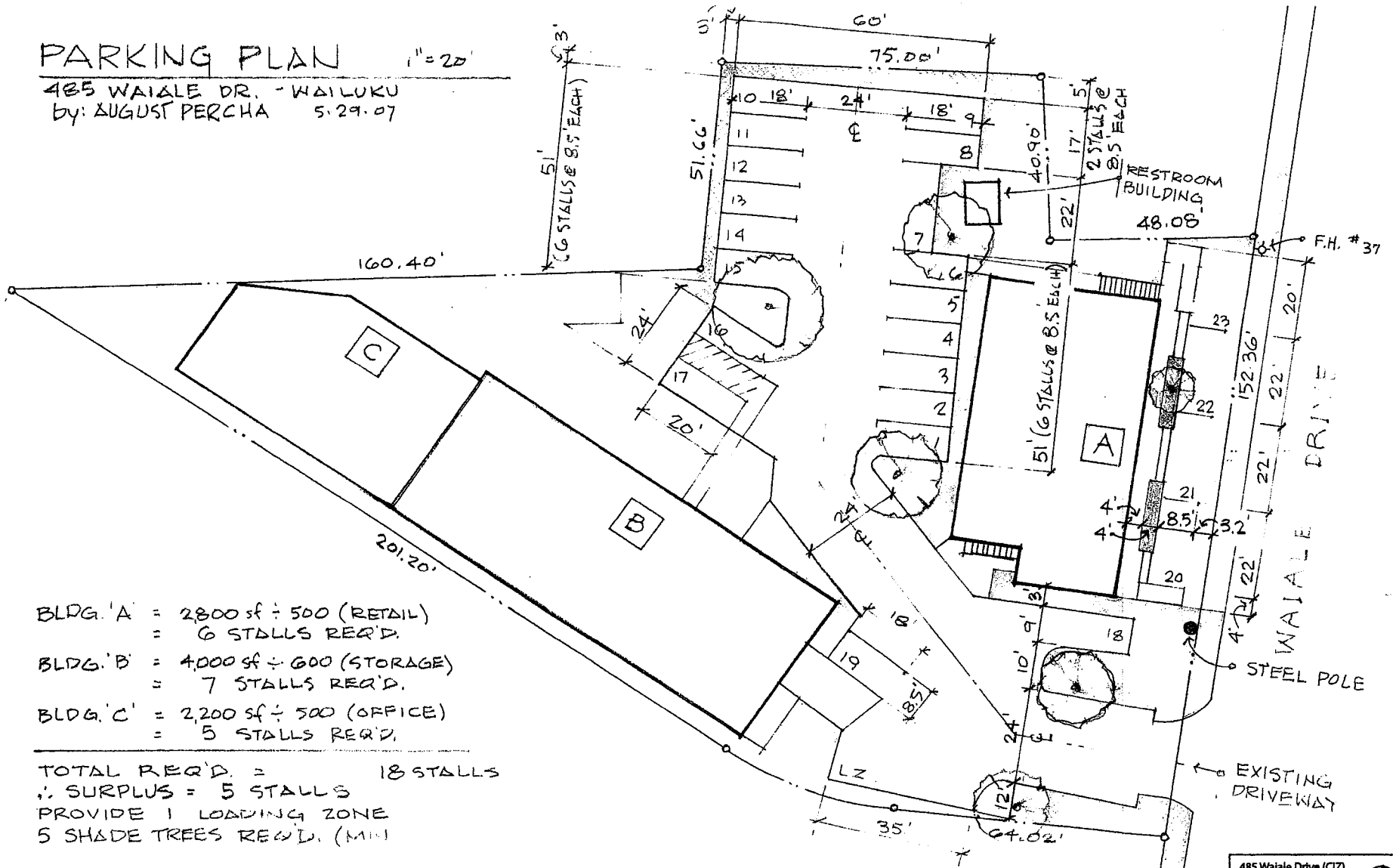
Christopher L. Hart, ASLA
President
Landscape Architect-Planner

ENCLOSURE

Cc. ✓ Brian Heckman, Graymark Waiale Road Associates, LLC.
✓ Jeffrey Dack, Maui Planning Department
Project File

PARKING PLAN

485 WAIALE DR. - WAILUKU
 by: AUGUST PERCHA 5.29.07



BLDG. 'A' = 2800 sf ÷ 500 (RETAIL)
 = 6 STALLS REQ'D.

BLDG. 'B' = 4000 sf ÷ 600 (STORAGE)
 = 7 STALLS REQ'D.



BLDG. 'C' = 2,200 sf ÷ 500 (OFFICE)
 = 5 STALLS REQ'D.

TOTAL REQ'D. = 18 STALLS

∴ SURPLUS = 5 STALLS

PROVIDE 1 LOADING ZONE

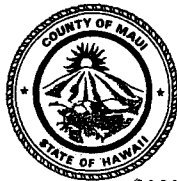
5 SHADE TREES REQ'D. (MIN)

485 Waiale Drive (CIZ)			
Figure No. 10			
Parking and Landscaping Plan		<small>Source: August Percha, Architect</small>	

CHARMAINE TAVARES
Mayor

JEFFREY S. HUNT
Director

KATHLEEN ROSS AOKI
Deputy Director




2009 FEB 9 AM 11 13
COUNTY OF MAUI
DEPARTMENT OF PLANNING
DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

February 6, 2009

MEMORANDUM

TO: CLAYTON YOSHIDA, Planning Program Administrator

FROM: AARON SHINMOTO, Planning Program Administrator 

SUBJECT: **CHANGE IN ZONING NO. CIZ – 20060014 AT 485 WAIALE DRIVE, WAILUKU, MAUI, HAWAII; TMK: (2) 3-4-003:009**

We have reviewed the response letter from Chris Hart & Partners, Inc. dated January 26, 2009 and have the following comments:

1. The flood permit requirements may be addressed during the building permit process.
2. Ten (10) paved parking spaces are required along with one (1) loading stall measuring 12 feet by 35 feet.
3. A landscaping and irrigation plan will be required.

If you have any questions, please contact Ms. Avelina Cabais, Land Use and Building Plans Examiner at Ext. 7139.

Attachment

xc: Avelina L. Cabais, Land Use and Building Plans Examiner
Jeffrey Dack, Staff Planner
Brett Davis, Chris Hart & Partners, Inc.
09/ZAED TMK File
General file

AHS:ALC:smb

K:\WP_DOCS\PLANNING\bldgpmt\Memo\2009\WaialeDrvieCIZ20060014.doc

ZAED PLAN CHECK

		LOG NO.	20090020
		APPLICATION NO.	CIZ 20060014
NAME OF PLACE:	485 Waiale Road Parcel		
TAX MAP KEY:	(2) 3-4-003:009	Address:	485 Waiale Drive, Wailuku, HI 96793
OWNER:	GRAYMARK WAIALE ROAD ASSOCIATES LLC	Address:	1962B WELLS ST, Wailuku, HI 96793
APPLICANT:	CHRIS HART & PARTNERS, INC.	Address:	115 N. MARKET STREET, Wailuku, HI 96793
REVIEWED BY:	Avelina Cabais	Date:	1/30/2009
# OF BLDG.	3	# of units	?
ZONING:	R-3	Community Plan:	Industrial
ZONING PERMITS	CIZ 20060014(pending)	OSP/Reduction	NA
SMA PERMIT	NA	LPA approval	Pending for submittal
STANDARDS	REQUIRED	ON PLAN	CONFORMING
	Min/Max	Inspection	Yes No
Use	Residential	Industrial/Business	x
Building ht.	30'	Existing	x
Stories	2 story	2 Story	x
Front Yard	15'	Existing	x
Rear Yard	6'-10'	Existing	x
Side Yard (Right)	6'-10'	Existing	x
Side Yard (Left)	6'-10'	Existing	x
Floor area	NA	9000	x
Parking	10	23	x
	1 LZ		x

Need 1 LZ when they change zoning

Parking calculations

Unit #	Description	Use	Area	Parking required per use			Sub-totals
Bldg. A	Retail	Business	2800	1 per	500	=	5.60
Bldg. B	Storage	Warehouse	4000	Existing non-conforming parking			
Bldg. C	Office	Business	2200	1 per	500	=	4.40
Bldg. D	Restroom	NA		1 per	0	=	0.00
			9000				
Total parking required						=	10.00

Provided on site	23	parking stalls
Required	10.00	parking stalls

Note: Parking and landscape will be required due to for the Building A and C bec. of change in use
Building D provided sufficient setback

Building A is the bldg. 2 in RPT and it was an office in 1978 - built in 1947 and remodelled in 1979 (shown in the description of improvements)

Building B is bldg. 1 and shows it was warehouse mill in 1978 built in 1947

Need 1 Loading zone when they change the zoning to Industrial.



CHARMAINE TAVARES
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

October 9, 2008



THOMAS M. PHILLIPS
CHIEF OF POLICE

GARY A. YABUTA
DEPUTY CHIEF OF POLICE

MEMORANDUM

TO: Jeffrey P. Dack, Staff Planner
Department of Planning

FROM: Thomas M. Phillips, Chief of Police

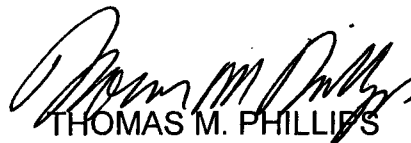
RE: Project Name: Waiale Road Parcel, Change in Zoning (CIZ)
Applicant: Graymark Waiale Road Associates, LCC
Subject ID: CIZ 2006/0014
TMK: (2) 3-4-003:009

We were asked to comment by October 14, 2008, on the above-referenced matter.

Please refer to the enclosed comments from Administrative Sergeant Stephen Orikasa of our Wailuku Patrol Division regarding the construction phases of this project.

There are no objections to the application at this time; however, it is important to be cognizant of any health and safety impacts, directly and indirectly, which may arise.

Thank you for the opportunity to comment on this project.


THOMAS M. PHILLIPS
CHIEF OF POLICE

Enclosure

2008 OCT 13 PM 8 56
DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

EXHIBIT 15

Copy - Forward to Planning

24 Gary J at 12/8/08

10-8-08

TO : THOMAS PHILLIPS, CHIEF OF POLICE, COUNTY OF MAUI

VIA : CHANNELS

FROM : STEPHEN ORIKASA, ADMINISTRATIVE SERGEANT,
WAILUKU PATROL DIVISION

SUBJECT : RESPONSE TO A REQUEST FOR COMMENTS AND
RECOMMENDATIONS REGARDING REQUEST FOR CHANGE IN
ZONING FOR A WAIALE ROAD PARCEL

CONCUR:
AC [Signature]
10/1/08

This communication is submitted as a response to a request for comments and recommendations by County of Maui, Department of Planning, Staff Planner Jeffrey P. Dack on behalf of Planning Director Jeffrey S. Hunt, AICP, in regards to the following subject;

PROJECT NAME : WAIALE ROAD PARCEL, CHANGE IN ZONING (CIZ)
 APPLICANT : Graymark Waiale Road Associates, LLC.
 SUBJECT I.D. : CIZ 2006/0014
 TMK : (2) 3-4-003:009

RESPONSE:

Following a review of the documents submitted in support of this application, the focus, from the police perspective, would be upon the construction phases of this project. There are residences along with the intersection of two main roadways in close proximity to this subject parcel. During the construction phases, extreme efforts should be made to minimize noise, dust & debris so not to inhibit those whose health and well being may be affected. Adequate traffic control devices and personnel should also be utilized to minimize the impact of heavy equipment and vehicles traveling in and out of the area.

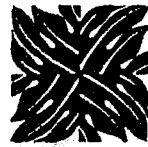
CONCLUSION:

There are no objections to the application at this time. Although, it is of utmost importance to be cognizant of any health and safety impacts, directly and indirectly, which may arise.

Respectfully submitted for your review and approval.

[Signature]
 Stephen T. Orikasa E#716
 Administrative Sergeant/Wailuku Patrol Division
 10/03/08 @ 0845 Hours

10/03/08
10/03/08 @ 11:55 AM



CHRIS
HART
& PARTNERS INC.

January 12, 2009

Chief Thomas M. Philips
Maui Police Department
55 Mahalani Street
Wailuku, HI 96793

Dear: Chief Phillips,

RE: Change in Zoning (CIZ) at 485 Waiale Drive Parcel
Wailuku, Maui, Hawaii at TMK: (2) 3-4-003:009 (CIZ 2006/0014)

On behalf of the applicant, Graymark Waiale Road Associates, LLC we acknowledge receipt of your letter dated October 9, 2008 and responses to the Wailuku Patrol Division comments, are as follows:

The subject CIZ application does not propose any new development of the subject parcel. The granting of the proposed request will establish an appropriate area for neighborhood M-1 light Industrial uses consistent with the Wailuku-Kahului Community Plan. The property has been used for several neighborhood commercial and light industrial uses for over 60 years.

Thank you for your comments on this application. Should you have any questions, please contact Brett Davis of our staff at 242-1955.

Sincerely yours,

Christopher L. Hart, ASLA
President

Cc. Brian Hecktman, Graymark Waiale Road Associates, LLC
Jeffrey Dack, Maui Planning Department ✓
Project File

0815369

CHARMAINE TAVARES
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Director

MICHAEL M. MIYAMOTO
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



RALPH NAGAMINE, L.S., P.E.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

October 16, 2008

MEMO TO: JEFFREY S. HUNT, A.I.C.P., PLANNING DIRECTOR
FROM: *for* MILTON M. ARAKAWA, A.I.C.P., DIRECTOR OF PUBLIC WORKS
SUBJECT: **WAIALE ROAD PARCEL FOR CHANGE IN ZONING;
TMK: (2) 3-4-003:009
CIZ 2006/0014**

We reviewed the subject application and have the following comment:

1. The architect and owner are advised that the project is subject to possible flood inundation. As such, said project must conform to Ordinance No. 1145, pertaining to flood hazard districts.

If you have any questions regarding this memorandum, please call Michael Miyamoto at 270-7845.

MMA:MMM:ls
xc: Highways Division
Engineering Division
S:\LUCA\CZM\Waiale_Rd_Parcel_ciz_34006009_ls.wpd

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

08 OCT 21 P2:41



09 JAN 21 P2:12 ✓

January 12, 2009

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Mr. Milton M. Arakawa, A.I.C.P., Director
Department of Public Works
200 South High Street, Room No. 434
Wailuku, HI 96793

Dear: Mr. Arakawa,

RE: Change in Zoning (CIZ) at 485 Waiale Drive Parcel
Wailuku, Maui, Hawaii at TMK: (2) 3-4-003:009 (CIZ 2006/0014)

On behalf of the applicant, Graymark Waiale Road Associates, LLC we acknowledge receipt of your letter dated October 16, 2008 and response to the department's comment, is as follows:

The applicant acknowledges that the existing developed property is subject to possible flood inundation, however the subject CIZ application does not propose any new development. Granting of the proposed CIZ request will establish an appropriate area for neighborhood M-1 light Industrial uses consistent with the Wailuku-Kahului Community Plan. The property has been used for several neighborhood commercial and light industrial uses for over 60 years.

Thank you for your comments on this application. Should you have any questions, please contact Brett Davis of our staff at 242-1955.

Sincerely yours,

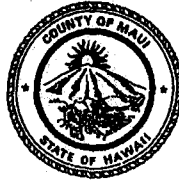
Christopher L. Hart, ASLA
President

Cc. Brian Hecktman, Graymark Waiale Road Associates, LLC
✓ Jeffrey Dack, Maui Planning Department ✓
Project File

CHARMAINE TAVARES
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Director

MICHAEL M. MIYAMOTO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
AND ENVIRONMENTAL MANAGEMENT
DEVELOPMENT SERVICES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

RALPH M. NAGAMINE, L.S., P.E.
Development Services Administration

DAVID TAYLOR, P.E.
Wastewater Reclamation Division

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

TRACY TAKAMINE, P.E.
Solid Waste Division

February 26, 2009

Mr. Christopher L. Hart, ASLA
CHRIS HART & PARTNERS, INC.
115 N. Market Street
Wailuku, Maui, Hawaii 96793-1717

Subject: **WAIALE ROAD PARCEL FOR CHANGE IN ZONING;
TMK: (2) 3-4-003:009
CIZ 2006/0014**

Dear Mr. Hart:

We reviewed your responses to the comment letter dated October 16, 2008, and have no further comments at this time.

Please call Michael Miyamoto at 270-7845 if you have any questions regarding this letter.

Sincerely,

Milton M. Arakawa, A.I.C.P.
Director of Public Works

Is

xc: Highways Division
Engineering Division

S:\LUCACZM\Waiale_Rd_parcel_ciz_rsp_34003009_ls.wpd

CC: P. N. 057171
RECEIVED

MAR - 2 2009

CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

EXHIBIT 19

CHARMAINE TAVARES
Mayor



JEFFREY K. ENG
Director
ERIC H. YAMASHIGE, P.E., L.S.
Deputy Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauewater.org

October 17, 2008

Mr. Jeffrey P. Dack, Staff Planner
Department of Planning
County of Maui
250 South High Street
Wailuku HI 96793

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

08 OCT 23 A 7:27

Re: I.D.: CIZ 2006/0014
TMK: (2) 3-4-003:009
Project Name: Waiale Road Parcel, Change In Zoning

Dear Mr. Dack:

Thank you for the opportunity to comment on this application.

Source Availability and Consumption

The project area is served by the Central Maui System. The main sources of water for this system are the designated Iao aquifer, Waihee aquifer, the Iao tunnel and the Iao-Waikapu Ditch in the recently designated Na Wai Eha. New source development projects include Maui Lani Wells, Waikapu South well and Waiale Surface Water Treatment Plant. Daily demand for this property of approximately 782 gpd should remain the same as there is no proposed change in use. The subject property is served by one 5/8-inch water meter. There is currently no additional source available to accommodate new customers according to system standards on the Central Maui System. Should larger or additional meters be required, the Department may delay issuance of meters until new sources are on line.

System Infrastructure

The subject property is bordered by two DWS waterlines on the eastside running along Waiale Road: a 12-inch and a 4-inch. There is one DWS fire hydrant adjacent east of the lot that is on a 4-inch waterline, and thus is not up to system standards. Required fire flow for Light Industrial zoned use is 2,000 gallons per minute for 2 hours duration and 250 foot hydrant spacing. The applicant should be required to install two hydrants on the 12-inch waterline at 250' spacing as a condition of the permit. In addition, should any building occur in the future, the applicant will be required to provide for water service and fire protection in accordance with system standards. We are pleased to note that there is a backflow prevention device at the southeast corner of the parcel.

"By Water All Things Find Life"



Jeffrey P. Dack
Page 2

Conservation

In order to alleviate demand on the Central Maui system, please find attached a Checklist of Water Conservation Ideas for Commercial Buildings and our plant brochure, "Saving Water in the Yard" for reference. We recommend implementation of the following conservation measures:

Use Climate-adapted Plants: Outdoor irrigation has a significant impact on demand in the Central area. We recommend limiting turf areas and using native climate-adapted plants for all landscaping. The project is located in Plant Zone 4. Native plants adapted to the area conserve water and protect the watershed from degradation due to invasive alien species.

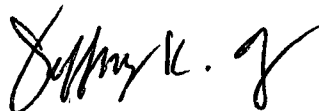
Prevent Over-Watering By Automated Systems: Provide rain-sensors on all automated irrigation controllers. Check and reset controllers at least once a month to reflect the monthly changes in evapo-transpiration rates at the site. As an alternative, provide the more automated, soil-moisture sensors on controllers.

Utilize Low-Flow Fixtures and Devices: Maui County Code Subsection 16.20A.680 requires the use of low-flow water fixtures and devices in faucets, showerheads, urinals, water closets and hose bibs. Water conserving washing machines, ice-makers and other units are also available.

Maintain Fixtures to Prevent Leaks: A simple, regular program of repair and maintenance can prevent the loss of hundreds or even thousands of gallons a day. The applicant should establish a regular maintenance program.

Should you have any questions, please contact our Water Resources and Planning Division at 244-8550.

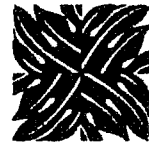
Sincerely,



Jeffrey K. Eng, Director
mlb

cc: engineering division

applicant, with attachments: A Checklist of Water Conservation Ideas for Commercial Buildings and Plant Brochure:
"Saving Water in the Yard"



CHRIS
HART
& PARTNERS INC.

January 12, 2008

Mr. Jeffrey K. Eng, Director
Department of Water Supply
200 South High Street
Wailuku, HI 96793

Dear: Mr. Eng,

RE: Change in Zoning (CIZ) at 485 Waiale Drive Parcel
Wailuku, Maui, Hawaii at TMK: (2) 3-4-003:009 (CIZ 2006/0014)

On behalf of the applicant, Graymark Waiale Road Associates, LLC, we acknowledge receipt of your letter dated October 17, 2008 and respond to your department's comments, as follows:

Source Availability and Consumption

The proposed CIZ at 485 Waiale Drive will not increase the daily water demand of the existing development, (approximately 782 gallons per day). The daily demand will remain the same, as there is no proposed change in use or development.

System Infrastructure

The proposed CIZ to Light Industrial will require an upgrade of the fire flow protection system. Your department has determined, based on fire flow requirements for Light Industrial zoned land, that the applicant should be required to install two (2) hydrants on the existing 12-inch waterline at 250 feet spacing as a building permit condition. The applicant will install the requested additional fire flow infrastructure at that time.

Conservation

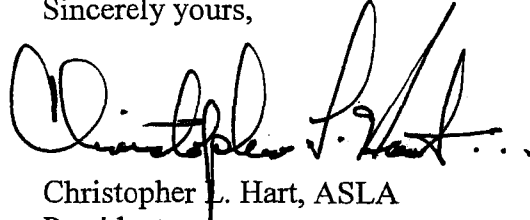
The proposed CIZ will require a landscape-planting plan that will utilize climate-adapted plants and or native plants along with practices in xeriscaping to limit water use on site. In addition the applicant has a regular maintenance program for existing

Mr. Jeffrey Eng, Director
Department of Water Supply
Response to Comments on CIZ
Page 2 of 2

structures on the site. Future renovations will incorporate low-flow fixtures and devices.

Thank you for your comments on this application. Should you have any questions, please contact Brett Davis of our staff at 242-1955.

Sincerely yours,

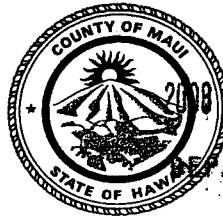


Christopher L. Hart, ASLA
President

Cc. Brian Hecktman, Graymark Waiale Road Associates, LLC
Jeffrey Dack, Maui Planning Department ✓
Project File

CHARMAINE TAVARES
Mayor
CHERYL K. OKUMA, Esq.
Director
GREGG KRESGE
Deputy Director

TRACY TAKAMINE, P.E.
Solid Waste Division
DAVID TAYLOR, P.E.
Wastewater Reclamation
Division



2008 OCT 30 PM 3 26

DEPARTMENT OF PLANNING
COUNTY OF MAUI
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**COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**
2200 MAIN STREET, SUITE 100
WAILUKU, MAUI, HAWAII 96793

October 20, 2008

MEMO TO: JEFF HUNT, PLANNING DIRECTOR

**FROM: CHERYL K. OKUMA, ESQ., DIRECTOR OF ENVIRONMENTAL
MANAGEMENT**
Cheryl K. Okuma Digitally signed by Cheryl K. Okuma
DN: cn=Cheryl K. Okuma, o=County of Maui,
ou=Department of Environmental Management,
email=Cheryl.Okuma@mauihawaii.gov, c=US
Date: 2008.10.20 16:28:14 -10'00'

**SUBJECT: WAIALE ROAD PARCEL, CHANGE IN ZONING (CIZ)
CIZ 2006/0014
TMK (2) 3-4-003:009, WAILUKU**

We reviewed the subject application and have the following comments:

1. Solid Waste Division comments:
 - a. None.
2. Wastewater Reclamation Division (WWRD) comments:
 - a. Although wastewater system capacity is currently available as of 10/20/2008, the developer should be informed that wastewater system capacity cannot be ensured until the issuance of the building permit.
 - b. Wastewater contribution calculations are required before building permit is issued.
 - c. Developer shall pay assessment fees for treatment plant expansion costs in accordance with ordinance setting forth such fees.
 - d. Plans should show the installation the existing single service lateral and property sewer manhole. If a property sewer manhole does not exist, one needs to be installed.
 - e. Commercial kitchen facilities within the proposed project shall comply with pre-treatment requirements (including grease interceptors, sample boxes, screens etc.)
 - f. Non-contact cooling water and condensate should not drain to the wastewater system.

If you have any questions regarding this memorandum, please contact Gregg Kresge at 270-8230.



January 12, 2009

Ms. Cheryl K. Okuma, Director
Department of Environmental Management
2200 Main Street, Suite 100
Wailuku, HI 96793

Dear: Ms. Okuma,

RE: Change in Zoning (CIZ) at 485 Waiale Drive Parcel
Wailuku, Maui, Hawaii at TMK: (2) 3-4-003:009 (CIZ 2006/0014)

On behalf of the applicant, Graymark Waiale Road Associates, LLC, we acknowledge receipt of your letter dated October 20, 2008 and responses to Wastewater Reclamation Division (WWRD) comments, are as follows:

A. Although wastewater system capacity is currently available as of 10-20-2008, the developer should be informed that wastewater system capacity cannot be ensured until the issuance of the building permit.

The proposed CIZ application is for the continued use of existing structures located at 485 Waiale Drive. The applicant is not proposing development as part of this application and therefore wastewater system capacity will not be affected by this CIZ application.

B. Wastewater contribution calculations are required before building permit is issued.

The proposed CIZ application does not include development and therefore building permits will not be applied for.

C. Developer shall pay assessment fees for the treatment plant expansion costs in accordance with ordinance setting forth such fees.

The CIZ application does not propose development and will not impact treatment plant services; therefore no assessment fees are anticipated with the proposed CIZ application.

D. Plans should show the installation of the existing single service lateral and property sewer manhole. If a property sewer manhole does not exist, one needs to be installed.

The proposed CIZ application does not include development of the subject parcel, therefore there are no proposed development plans. There is an existing 10-inch line behind the property that was installed in the 1930's and an 18-inch sewer line on Waiale Drive, which fronts the property, was installed in the 1970's. Both of these sewer lines are part of the Wailuku Wastewater System.

E. Commercial kitchen facilities within the proposed project shall comply with pre-treatment requirements (including grease interceptors, sample boxes, screens, etc.)

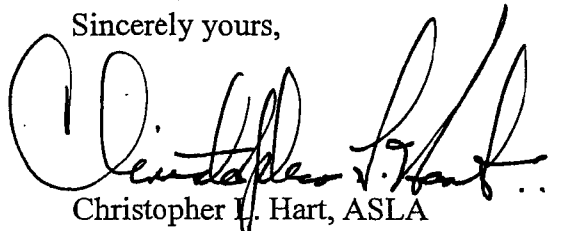
The proposed CIZ application does not include commercial kitchen facilities.

F. Non-contact cooling water and condensate should not drain to the wastewater system.

Non-contact cooling water and condensate will not drain to the wastewater system.

Thank you for your comments on this application. Should you have any questions, please contact Brett Davis of our staff at 242-1955.

Sincerely yours,

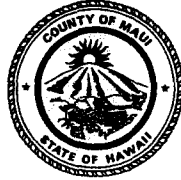
A handwritten signature in black ink, appearing to read "Christopher L. Hart". The signature is stylized and written over a faint, larger version of the same signature.

Christopher L. Hart, ASLA
President

Cc. Brian Hecktman, Graymark Waiale Road Associates, LLC
Jeffrey Dack, Maui Planning Department ✓
Project File

C

**CHARMAINE TAVARES
MAYOR**



**JEFFREY A. MURRAY
CHIEF**

**ROBERT M. SHIMADA
DEPUTY CHIEF**

**COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY
FIRE PREVENTION BUREAU**

780 ALUA STREET
WAILUKU, HAWAII 96793
(808) 244-9161
FAX (808) 244-1363

January 26, 2009

Mr. Jeffrey Dack, Staff Planner
Department of Planning, County of Maui
250 S. High St
Wailuku, HI 96793

**Subject: Waiale Road Parcel, CIZ 2006/0014
TMK (2)3-4-003:009**

Dear Mr. Dack,

I have had the opportunity to review the subject application. It appears that improvements to water for fire protection is in order and will be addressed by the applicant along with the Department of Water. There are no other concerns at this time.

Please feel free to contact me if there are any questions or concerns.

Sincerely,

Valeriano F. Martin
Captain
Fire Prevention Bureau

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

09 JAN 30 P 3:16

09-6227



'09 JAN 30 P2:17

January 29, 2009

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Captain Val Martin
Department of Fire and Public Safety
780 Alua Street
Wailuku, HI 96793

Dear: Captain Martin,

RE: Change in Zoning (CIZ) at 485 Waiale Drive Parcel
Wailuku, Maui, Hawaii at TMK: (2) 3-4-003:009 (CIZ 2006/0014)

On behalf of the applicant, Graymark Capital, we acknowledge receipt of your letter dated January 26, 2009. The applicant will address water adequacy, with the Department of Water Supply to ensure that fire flow protection is sufficient.

Thank you for your comments on this application. Should you have any questions, please contact Brett Davis of our staff at 242-1955.

Sincerely yours,

Christopher L. Hart, ASLA
President
Landscape Architect-Planner

Cc. Brian Hecktman, Graymark Waiale Road Associates, LLC.
✓ Jeffrey Dack, Maui Planning Department
Project File

From: Gen Iinuma [<mailto:Gen.Iinuma@co.maui.hi.us>]
Sent: Thursday, February 05, 2009 8:54 AM
To: Brett Davis
Cc: Elaine Ziegler; James Buika; Robert Collum
Subject: 485 Waiale Dr. Change in Zoning

Brett,

As requested, I've reviewed the application for change in zoning of the property located at 485 Waiale Drive, TMK 3-7-03:009.

On page 9 of the Request for a Proposed Change in Zoning document, item 3. Flood and Tsunami Hazards Existing Conditions, the subject property is identified as within Zone "AO3", an area of potential flooding.

Further stated in the section, Potential Impacts and Mitigation Measures, the flood category AO is defined by "Areas of 100-year shallow flooding where depths are between one(1) and three(3) feet: base flood elevations are shown, but no real flood hazard factors are determined".

As such, you are requested to work with the County Department of Planning to obtain a special flood development permit if necessary. It may also be helpful to determine if the health and safety of the public, and the protection of life and property would be best served by the existence of an emergency action plan.

Thank you for the opportunity to comment on this project.

Please contact me should you have further questions.

Regards,

Gen Iinuma, M.P.H.
Administrator
Maui County Civil Defense Agency
200 South High Street
Wailuku, Hawaii 96793
Ph. 808-270-7285
FAX 808-2707275

09-6332



February 10, 2009

09 FEB 12 P1:18

Mr. Gen Iinuma, M.P.H., Administrator
Maui County Civil Defense Agency
200 South High Street
Wailuku, HI 96793

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Dear: Mr. Iinuma,

RE: Change in Zoning (CIZ) at 485 Waiale Drive Parcel
Wailuku, Maui, Hawaii at TMK: (2) 3-4-003:009 (CIZ 2006/0014)

On behalf of the applicant, Graymark Waiale Road Associates, LLC we acknowledge receipt of your letter dated February 5, 2009 and response to the department's comment, is as follows:

As noted in the application the subject CIZ does not propose any development. However, should development in Zone AO3 occur in the future, the applicant would work with the Planning Department to obtain a special flood development permit.

The applicant will investigate if an emergency action plan is necessary for the subject CIZ application.

Thank you for your comments on this application. Should you have any questions, please contact Brett Davis of our staff at 242-1955.

Sincerely yours,

Christopher L. Hart, ASLA
President
Landscape Architect-Planner

- Cc. Brian Hecktman, Graymark Waiale Road Associates, LLC
- ✓ Jeffrey Dack, Maui Planning Department ✓
- Project File

>>> Stanley Solamillo 3/4/2009 1:35 PM >>>

I concur with SHPD findings re: concerns over the adaptive reuse and requiring an cultural resource inventory of the site. Changes have been made to one building...after-the-fact fees should be assessed. There needs to an architectural inventory of the site before further work can be approved.

>>> Jeffrey Dack 12/8/2008 1:30 PM >>>

Stan,

Hello. I am processing a request for a rezoning from R-3 to M-1 Light Industrial for a small parcel at the intersection of Waiale and Waiinu Roads, 485 Waiale Road, TMK (2) 3-4-003:009. Please see first their proposed action in the first attachment. In the second attachment, you will see photos of the building, which appears likely to be over 50 years old, with some recent modifications to at least the façade. The 3rd attachment is a letter from SHPD, expressing some concerns about the "proposed" building modifications (about which I am trying to get clarification from the applicant). Please let me know if you would suggest any condition(s) of zoning related to the older building(s). I have at least already raised issues about the paint color which does not appear in keeping with the Wailuku-Kahului Community Plan, Planning Standards, 3. Urban Design a. 5 (page 46) - A5. to "Emphasize contrasting earth-tone schemes for buildings." My site visit photos can be found at
K:\WP_DOCS\PLANNING\CIZ\2006\0014_WAIALERDPARCELCIZ\SiteVisit3-16-07

Thanks,

Jeffrey

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2102

CHIYOME L. FUKINO, M. D.
DIRECTOR OF HEALTH

LORRIN W. PANG, M. D., M. P. H.
DISTRICT HEALTH OFFICER

October 14, 2008

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

08 OCT 14 09:08

Mr. Jeffrey S. Hunt
Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawai'i 96793

Attention: Jeffrey P. Dack

Dear Mr. Hunt:

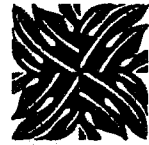
Subject: **Waiale Road Parcel, Change in Zoning**
TMK: (2) 3-4-003: 009
CIZ 2006/0014

Thank you for the opportunity to comment on the Change in Zoning Application for the Waiale Road Parcel. We have no comments to offer at this time.

Should you have any questions, please call me at 808 984-8230.

Sincerely,

Herbert S. Matsubayashi
District Environmental Health Program Chief



CHRIS
HART
& PARTNERS INC.

January 12, 2009

Mr. Herbert S. Matsubayashi
District Environmental Health Program Chief
Department of Health, Maui District Health Office
54 High Street
Wailuku, HI 96793

Dear: Mr. Matsubayashi,

RE: Comments on the Waiale Road Parcel Change in Zoning (CIZ) at
TMK (2) 3-4-003:009, Wailuku Maui, Hawaii (CIZ 2006/014)

On behalf of the applicant, Graymark Waiale Road Associates, LLC, we acknowledge the receipt of your letter dated October 14, 2008 indicating that your department has no comments on the subject CIZ application.

Thank you for your comments on this application. Should you have any questions, please contact Brett Davis of our staff at 242-1955.

Sincerely yours,

Christopher L. Hart, ASLA
President

Cc. Mr. Brian Hecktman, Graymark Waiale Road Associates, LLC
Mr. Jeffrey Dack, Maui Planning Dept. ✓
Project File

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA H. THIRLEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

November 28, 2008

Mr. Jeffrey Dack
County of Maui, Department of Planning
250 South High Street
Wailuku, Hawai'i 96793

LOG NO: 2008.4416
DOC NO: 0811JP18
Archaeology

Dear Mr. Dack,

**SUBJECT: Chapter 6E Historic Preservation Review [County/Planning] –
Change in Zoning Application (CIZ 2006/0014) for the Wai'ale Road Parcel
Wailuku Ahupua'a, Wailuku District, Island of Maui
TMK: (2) 3-4-003:009**

Thank you for the opportunity to review and comment on the change in zoning application, which was received by our staff on September 26, 2008. Our review is based on reports, maps, and aerial photographs maintained at the State Historic Preservation Division (SHPD). We apologize for the delay of this review and if applicable, sincerely appreciate your consideration of our comments.

The proposed project consists of change in zoning from R-3 Residential to M-1Light Industrial to conform to the Wailuku-Kahului Community Plan light industrial designation. Approximately 60 years ago, the site was developed for commercial- light industrial. The proposed request will accommodate the preexisting commercial- light industrial uses of the site. The site contains a gross area of 30,166 square feet (.69 acres) and buildings with 9,080 square feet of usable floor area. We understand no new or future development on the remaining portion of the site is proposed as part of this application.

The subject area is considered extremely culturally sensitive. We are concerned about the proposal included with the application for architectural and landscape architectural renovations to the site and east buildings. We are also concerned about any potential future work or alterations to the existing parcel, as a result of the current action. There are significant historic properties documented on immediately adjacent parcels and we believe undocumented historic properties may be contained within the subject area.

We do not concur with the *Archaeological/Cultural Resources* section and the *Archaeological Letter* submitted within the current application. We wish to clarify there may be undocumented historic properties located on the subject parcel. The historic Spreckels Ditch is immediately adjacent to the current property boundary (SIHP 50-50-04-1508). We believe there may be existing structures on the parcel that are greater than 50 years old. If there are structures over 50 years old, we request that our architecture branch have the opportunity to provide comments and recommendations.

We wish to elucidate the high probability for encountering cultural deposits including human burial features during any landscaping or construction projects on the parcel. An archaeological monitoring

Mr. Jeffrey Dack

Page 2

program for the adjacent Wai'ale Road sewer pipeline project documented three extremely significant archaeological sites with multiple component features including cultural layers, a hearth, multiple human burial features, pits, and postholes (SIHP 50-50-04-4005, -4067, and -4068). Documented human burial features including previously disturbed skeletal remains were documented on the surface and very shallow sandy deposits within immediately surrounding areas.

We believe historic properties and/or previously disturbed historic properties may be present in the subject property. Therefore, in order to determine the effect of the proposed application on historic sites, we recommend an archaeological assessment/inventory survey be conducted on the subject parcel to determine whether significant historic properties are present. To review the current list of qualified archaeological firms, please refer to the following SHPD website: www.state.hi.us/dlnr/hpd. Following the survey, an acceptable report documenting the findings will need to be submitted to this office for review.

In the event that historic properties are identified, proposed mitigation in consultation with this office will be submitted for review and approval. Please direct any inquiries about this review or any archaeological concerns to Jenny Pickett at the Maui office of the SHPD at (808) 243-4641. The Maui section of the SHPD may also be contacted at (808) 243-1285 or (808) 243-4640.

Aloha,



Nancy McMahon
Historic Preservation Manager
State Historic Preservation Division

JP

c: Chris Hart and Partners FAX (808) 242-1956
Dept of Planning, FAX 270-7634
Maui Cultural Resources Commission, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793
SHPD Architecture (re: potential undocumented historic buildings/architecture)

08 DEC -3 P1:44
DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED



09 JAN 21 P1:51

January 19, 2009

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Ms. Nancy McMahon, Historic Preservation Manager
Department of Land and Natural Resources (DLNR)
State Historic Preservation Division (SHPD)
601 Kamokila Boulevard, Room 555
Kapolei, HI 96707

Dear: Ms McMahon,

RE: Comments on the Waiale Road Parcel Change in Zoning (CIZ) at
TMK (2) 3-4-003:009, Wailuku Maui, Hawaii (CIZ 2006/014)

On behalf of the applicant, Graymark Waiale Road Associates, LLC, we acknowledge the receipt of your letter dated November 28, 2008 and the following response to your comments is provided for your consideration:

The subject CIZ application has been submitted to bring the land use designation into conformance with the Wailuku-Kahului Community Plan M-1 Light Industrial designation. The SHPD is correct in its understanding that the subject CIZ application does not propose any new or future development on the property. The subject property at 485 Waiale Road has been developed for commercial and light industrial uses since construction of the first structure in 1947 and the property continues to be used for commercial and light industrial uses today.

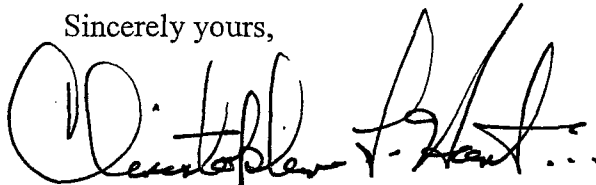
Prior guidance from the SHPD indicated that there would be no archaeological concerns associated with the subject CIZ application, because there is no proposed development of the property.

Based on the facts that the property has been developed with commercial and light industrial uses for over 60 years, and there isn't any development currently proposed, and prior correspondence with SHPD determined that there would be no archaeological concerns associated with the subject CIZ application; we believe that an archaeological assessment/inventory survey, at this time, is unnecessary for the subject CIZ application.

Ms. Nancy McMahon
SHPD Comment Response
January 19, 2009
Page 2 of 2

Thank you for your comments on this application. Should you have any questions, please contact Mr. Brett Davis of our staff at 242-1955.

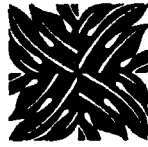
Sincerely yours,

A handwritten signature in black ink, appearing to read "Christopher L. Hart". The signature is stylized with large, sweeping loops and a long horizontal stroke at the end.

Christopher L. Hart, ASLA
President

Cc. Mr. Brian Hecktman, Graymark Waiale Road Associates, LLC
✓ Mr. Jeffrey Dack, Maui Planning Dept. ✓
Project File

0710114



CHRIS
HART
& PARTNERS INC.

2009 MAR 17 PM 3 02

DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

March 17, 2009

Mr. Jeffrey Dack
County of Maui
Department of Planning
One Main Plaza #619
2200 Main Street
Wailuku, Hawaii 96793

RE: Change in Zoning (CIZ) Application for 485 Waiale Road
Wailuku, Maui, Hawaii; Tax Map Key (2) 3-4-03:009.
(CIZ 2006/0014)

Dear: Mr. Dack,

Responding to your phone call on March 4, 2009 indicating that the Planning Department has taken the position that the subject CIZ application will not be scheduled for a public hearing before the Maui Planning Commission until an Archaeological Assessment is completed based upon the recommendation of the State Historic Preservation Division (SHPD).

Even though the subject site is fully developed you indicated that the required landscape planting and irrigation plans will result in ground disturbing work and therefore the Archaeological Assessment is necessary. We whole heartedly disagree and we request your re-consideration.

As indicated by the Zoning Administration and Enforcement Division (ZAED) by letter dated February 6, 2009 the project will require 10 paved parking spaces and one loading stall, and a landscape planting and irrigation plan. According to Maui County Code, *Chapter 19.36.070 Off-Street Parking, Fencing and Landscaping* the requirement is one large crown shade tree for every 5 parking stalls, therefore

LANDSCAPE ARCHITECTURE
CITY AND REGIONAL PLANNING

115 N. MARKET STREET • WAILUKU, MAUI, HAWAII 96793-1717 • PHONE 808-242-1955 • FAX: 808-242-1956

EXHIBIT 33

Mr. Jeffrey Dack
485 Waiale Road CIZ Application
(CIZ 2006/0014)
March 17, 2009
Page 2 of 2

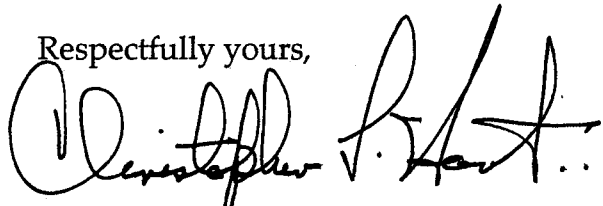
the existing parking lot requires a total of two (2) large crown shade trees. It is our contention that the installation of two trees with irrigation is minimal ground altering work and that Archaeological Monitoring is appropriate. (Note: we are requesting a C.I.Z. in order to establish conformity of use consistent with the Wailuku-Kahului Community Plan.)

As mentioned, from the outset, the site has been developed since 1949, and there is no development proposed as a result of the CIZ, and the applicant is willing to conduct Archaeological monitoring on the subject property, when the landscape planting and irrigation are installed.

Therefore, now that your review of the agency comment letters and our letters in response is complete, we respectfully request that your department schedule the subject CIZ application for public hearing before the Maui Planning Commission.

Thank you for your cooperation. If further clarification is necessary, please call.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Christopher L. Hart". The signature is stylized and cursive, with a large initial "C" and "H".

Christopher L. Hart, ASLA, President
Landscape Architect - Planner

cc.

Mr. Jeff Hunt, Planning Director
Mr. Clayton Yoshida, Planning Program Administrator
Ms. Ann Cua, Senior Planner
Brian Hecktman, Principal, Graymark Waiale Road Associates LLC.
Project File (CH&P Job No. 05-171)

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

'09 APR -8 P1:27

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED
March 31 2009

Mr. Jeffrey Dack
County of Maui, Department of Planning
250 South High Street
Wailuku, Hawai'i 96793

LOG NO: 2009.0292
DOC NO: 0903PC87
Archaeology

Dear Mr. Dack:

**SUBJECT: Chapter 6E-42 Historic Preservation Review – REVISED
Change in Zoning Application (CIZ 2006/0014) for a Wai'ale Road Parcel
Wailuku Ahupua'a, Wailuku District, Island of Maui
TMK: (2) 3-4-003:009**

This letter serves as a revision to a November 28, 2008 comment letter for the abovementioned application in which we recommended that an archaeological inventory survey of the subject parcel be completed prior to approval (SHPD LOG 2008.4416; DOC NO: 0811JP18).

The application was submitted for the purpose of conforming to the Wailuku-Kahului Community Plan M-1 Light Industrial Designation. The 30,166 square foot (.692 acre) subject parcel, situated at 485 Wai'ale Road in Wailuku, is the location of two commercial buildings dating to 1947. While no new or future development is proposed by the current application, it does include plans for landscape (irrigation) and parking lot improvements. Architectural modifications to the existing buildings will need to be reviewed under separate cover by Susan Tasaki of the SHPD's Architecture Branch.

Upon further review, we have concluded that because the area of proposed effect has been built-out and is currently used for commercial-light industrial activities, that precautionary archaeological monitoring during any ground altering disturbance, regardless of how shallow, is a more appropriate form of mitigation.

Because we believe archaeological sites may be present in subsurface deposits exposed during the proposed work, we recommend that a qualified archaeological monitor shall be present during all ground altering disturbance within the subject parcel in order to document any historic properties which may be encountered and to provide mitigation measures as necessary.

As per Hawai'i Administrative Rules (HAR) §13-279, this means that prior to the commencement of ground altering disturbance associated with the proposed project, the project developer or developer's agent must submit an appropriately prepared *monitoring plan* to this office for review and acceptance. The plan must contain the following provisions:

- 1) Specify the kinds of historically or culturally significant sites or remains of sites anticipated and where in the construction area they are likely to be found;

Mr. Jeffrey Dack
Page 2 of 2

- 2) Specify how such sites or remains of sites will be documented;
- 3) Specify how such sites or remains of sites will be treated;
- 4) Specify that the archaeologist (s) conducting the monitoring has (have) the authority to halt construction in the immediate area of the find in order to carry out the plan;
- 5) Specify that coordination between the archaeologist and construction crew has been scheduled so that all involved parties are aware of the plan and what it means;
- 6) Specify what laboratory work will be performed on any cultural sites or remains of sites that might be found in the project area;
- 7) Specify details concerning the archiving of any collections that are made;
- 8) Specify a schedule of report preparation and that the report will be submitted within the required 180 days after completion of the proposed undertaking.

A list of those meeting the requirements to perform such work can be obtained on the SHPD's website at <http://hawaii.gov/dlnr/hpd/pdfs/2008-Permittee.pdf> or by contacting our main office at (808) 692-8015.

Should you have any questions or comments regarding this letter, please contact Patty Conte at (Patty.J.Conte@hawaii.gov).

Aloha,



Nancy McMahon, Deputy SHPO/State Archaeologist
State Historic Preservation Division

c: Brett Davis: BDavis@chpmaui.com

Jeff Hunt, Director, Dept. of Planning, 250 S. High Street, Wailuku, Hawai'i 96793
Maui CRC, Dept. of Planning, 250 S. High Street, Wailuku, Hawai'i 96793



Landscape Architecture
City & Regional Planning
May 20, 2009

Ms. Nancy McMahon, Historic Preservation Manager
Department of Land and Natural Resources (DLNR)
State Historic Preservation Division (SHPD)
601 Kamokila Boulevard, Room 555
Kapolei, HI 96707

Dear: Ms McMahon,

RE: Comments on the Waiale Road Parcel Change in Zoning (CIZ) at
TMK (2) 3-4-003:009, Wailuku Maui, Hawaii (CIZ 2006/014)

On behalf of the applicant, Graymark Waiale Road Associates, LLC, we acknowledge the receipt of your letter dated March 31, 2009 indicating that an appropriately prepared Archaeological Monitoring Plan shall be submitted to SHPD for review and acceptance.

The applicant has retained Scientific Consultant Services to prepare the Archaeological Monitoring Plan that will contain the provisions outlined in your letter.

Thank you for your comments on this application. Should you have any questions, please contact Mr. Brett Davis of our staff at 242-1955.

Sincerely yours,

Christopher II. Hart, ASLA
President
Landscape Architect-Planner

Cc. Mr. Brian Hecktman, Graymark Waiale Road Associates, LLC
Mr. Jeffrey Dack, Maui Planning Dept.
Project File

Comment



✓
08 OCT -1 P1:37

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

September 30, 2008

Mr. Jeffrey P. Dack, Staff Planner
County of Maui – Department of Planning
250 South High Street
Wailuku, Maui, Hawaii, 96793

Dear Mr. Dack,

Subject: Graymark Waiale Road Associates, LLC
Application for Change-in-Zoning (CIZ 2006/0014)
485 Waiale Drive
Wailuku, Maui, Hawaii
Tax Map Key: (2) 3-4-003:009

Thank you for allowing us to comment on the Change-in-Zoning Application for the subject project.

In reviewing our records and the information received, Maui Electric Company (MECO) has no objection to the subject project at this time.

Should you have any questions or concerns, please call me at 871-2340.

Sincerely,

Ray Okazaki
Staff Engineer



CHRIS
HART
& PARTNERS INC.

January 12, 2009

Mr. Ray Okazaki, Staff Engineer
Maui Electric Company, Ltd. (MECO)
210 Kamehameha Avenue
Kahului, Maui, Hawaii 96733

Dear Mr. Okazaki,

Subject: Comments on the Waiale Road Parcel Change in Zoning (CIZ) at TMK
(2) 3-4-003:009, Wailuku Maui, Hawaii (CIZ 2006/014)

On behalf of the applicant Graymark Waiale Road Associates, LLC, we acknowledge receipt of your letter dated September 30, 2008 indicating that MECO has no objection to the proposed CIZ.

Thank you for your cooperation. If additional clarification is required, please contact Brett Davis of our staff at 242-1955.

Sincerely,

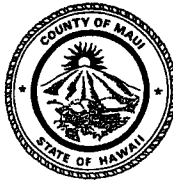
Christopher L. Hart, ALSA
President

CC: Mr. Brian Hecktman, Graymark Waiale Road Associates, LLC
Mr. Jeffrey Dack, Maui Planning Dept. /
Project File

CHARMAINE TAVARES
Mayor

JEFFREY S. HUNT
Director

KATHLEEN ROSS AOKI
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

TRANSMITTAL

September 23, 2008

STATE AGENCIES		COUNTY AGENCIES	
<input checked="" type="checkbox"/>	Dept of Health, Maui (2)	<input checked="" type="checkbox"/>	Dept of Public Works (3 HC)
<input type="checkbox"/>		<input checked="" type="checkbox"/>	Dept of Environmental Management (2)
<input type="checkbox"/>		<input checked="" type="checkbox"/>	Dept of Water Supply
<input checked="" type="checkbox"/>	DLNR, Historic Preservation Div.	<input checked="" type="checkbox"/>	Fire Dept
<input type="checkbox"/>		<input checked="" type="checkbox"/>	Police Dept
<input type="checkbox"/>		<input checked="" type="checkbox"/>	Dept of Transportation
<input type="checkbox"/>		<input checked="" type="checkbox"/>	Planning Department – ZAED
<input type="checkbox"/>		<input checked="" type="checkbox"/>	Civil Defense (CPA/CIZ only)
OTHER		FEDERAL AGENCIES	
<input checked="" type="checkbox"/>	Maui Electric Company		
<input checked="" type="checkbox"/>	Hawaiian Telephone Co. (1 HC)		

PROJECT NAME: WAIALE ROAD PARCEL, CHANGE IN ZONING (CIZ)
APPLICANT: Graymark Waiale Road Associates, LLC.
SUBJECT I.D.: CIZ 2006/0014
TMK: (2) 3-4-003:009

TRANSMITTED TO YOU ARE THE FOLLOWING:

Application(s)

THESE ARE TRANSMITTED AS CHECKED BELOW:

For your Comment and Recommendation

Please provide any previous comments, letters, etc. pertinent to this application and identify which of your comments and recommendations you would like the Department of Planning to recommend as conditions of project approval. **Submit your comments directly to me by October 14, 2008.** If no comment, please sign the bottom and return. For additional clarification, please contact me via email at jeffrey.dack@mauicounty.gov or by phone at (808) 270-6275.

08 OCT - 3 PM '08

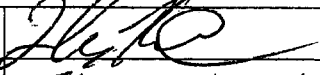
Sincerely,

JEFFREY P. DACK, Staff Planner
For: JEFFREY S. HUNT, AICP, Planning Director

Transmittal – Waiale Road Parcel
September 23, 2008
Page 2

xc: Jeffrey P. Dack, Staff Planner
Graymark Waiale Road Assoc., LLC., Applicant
Chris Hart and Partners, Inc., Consultant, Attn: Brett Davis
Project File
General File

JSH:JPD:vb
K:\WP_DOCS\PLANNING\CIZ\2006\0014_WaialeRdParcel\CIZ\AgencyTrans.doc

We have no comment:	Signed: 	Dated: 10-3-08
	Print Name: Thomas Hutchinson	
	Organization/Department: OSP ENGINEER	

08 OCT -7 AM 1:39
DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED



CHRIS
HART
& PARTNERS INC.

January 12, 2009

Mr. Thomas Hutchison, OSP Engineer
Hawaiian Telecom
1177 Bishop Street
Honolulu, HI 96813

Dear Mr. Hutchison,

Subject: Comments on the Waiale Road Parcel Change in Zoning (CIZ) at TMK
(2) 3-4-003:009, Wailuku Maui, Hawaii (CIZ 2006/014)

On behalf of the applicant Graymark Waiale Road Associates, LLC, we acknowledge receipt of your letter dated October 3, 2008 indicating that your department has no comment on the subject CIZ application.

Thank you for your comments on this application. Should you have any questions, please contact Brett Davis of our staff at 242-1955.

Sincerely,

Christopher L. Hart, ALSA
President
Landscape Architect/Planner

CC: Mr. Brian Hecktman, Graymark Waiale Road Associates, LLC
Mr. Jeffrey Dack, Maui Planning Dept. ✓
Project File

Chapter 19.24

M-1 LIGHT INDUSTRIAL DISTRICT

Sections:

19.24.010	Generally.
19.24.020	Use regulations.
19.24.030	Height regulations.
19.24.040	Area regulations.
19.24.050	Yards.

19.24.010 Generally.

The M-1 light industrial district is designed to contain mostly warehousing and distribution types of activity, and permits most compounding, assembly, or treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials. Residential uses are excluded from this district. (Prior code § 8-1.12(a))

19.24.020 Use regulations.

A. Within the M-1 district, no building, structure or premises shall be used and no building or structure hereafter erected, structurally altered, replaced, or enlarged except for one or more of the following uses:

1. Any use permitted in a B-1, B-2, or B-3 district; provided, however, that no building, structure or portion thereof shall be hereafter erected, converted, or moved onto any lot in an M-1 district for dwelling purposes, including hotels and motels, except living quarters used by watchmen or custodians of industrially used property;
2. Animal kennels;
3. Carpet cleaning plants;
4. Cold storage plants;
5. Commercial laundries;
6. Craft, cabinet and furniture manufacturing;
7. Assembly of electrical appliances, radios and phonographs including the manufacture of small parts such as coils, condensers, crystal holders and the like;
8. Farm implement sales and service;
9. General food, fruit and vegetable processing and manufacturing plants;
10. Ice cream and milk producing, manufacturing and storage;
11. Laboratories—experimental, photo or motion picture, film or testing;
12. Light and heavy equipment and product display rooms, storage and service;
13. Machine shop or other metal working shop;
14. The manufacture, compounding or treatment of articles or merchandise from the following previously prepared materials; aluminum, bone, cellophane, canvas,

cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, plastics, precious or semi-precious metals or stones, shell, tobacco and wood;

15. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceutical, toiletries, and food products except the rendering or refining of fats and oils;

16. The manufacture, dyeing and printing of cloth fabrics and wearing apparel;

17. The manufacture of musical instruments, toys, novelties and rubber and metal stamps;

18. Manufacture of pottery and figurines or other similar ceramic products;

19. Milk bottling or central distribution stations;

20. Plumbing shops having more than five employees;

21. Poultry or rabbit slaughter incidental to a retail business on the same premises;

22. Radio transmitting and television stations; provided, that towers are of the self-sustaining type without guys;

23. Replating shop;

24. Retail lumber yard including mill and sash work, except that mill and sash work shall be conducted within a completely enclosed building;

25. Small boat building;

26. Soda water and soft drink bottling and distribution plants;

27. Tire repair operation including recapping and re-treading;

28. Vocational and trade schools giving general instruction as prescribed by the State Department of Education;

29. Warehouse, storage and loft buildings;

30. Wearing apparel manufacturing;

31. Wholesale business, storage buildings, nonexplosive goods and warehouses;

32. Apartment houses.

B. The above uses are to be conducted wholly within a completely enclosed building, or within an area enclosed on all sides except the front of the lot, by a solid fence or wall or cyclone fence at least six feet in height. (Prior code § 8-1.12(b))

19.24.030 Height regulations.

No building or structure nor the enlargement of any building or structure shall be erected or maintained to exceed four stories or forty-eight feet in height; provided, however, that the height of such building or structure shall not exceed one and one-half times the width of the widest street which it fronts. (Prior code § 8-1.12(c))

19.24.040 Area regulations.

Every lot within an M-1 district shall have a minimum lot area of not less than seven thousand five hundred square feet, having an average lot width of sixty-five feet. (Prior code § 8-1.12(d))

19.24.050 Yards.

A. Front Yard.

1. Where all the frontage between intersecting streets is located within business districts or industrial districts, no front yard shall be required.

2. Where the frontage is located abutting the residential district, there shall be a front yard of not less than ten feet from any setback line for street widening purposes; and if no such line exists, then from the main street or front boundary.

B. Side Yard.

1. Where the side of a lot in an M-1 district abuts upon the side or rear of a lot in an agricultural, farming, hotel, apartment, duplex or any type of residential district, there shall be a side yard of not less than ten feet.

2. In all other cases a side yard for light industrial building shall not be required.

C. Rear Yard.

1. In the case where the rear lot in an M-1 district abuts upon the side or rear of a lot in any residential, agricultural, farming, hotel, apartment or duplex district, there shall be a rear yard of not less than ten feet.

2. In all other cases a rear yard for M-1 building shall not be required.

3. No accessory building or buildings shall be allowed in the required rear yard of any lot occupied by any building containing light industrial business use except for off-street parking purposes. (Prior code § 8-1.12(e))

FROM: Vanessa Ince
484 Kalua Road
Wailuku, HI 96793

February 5, 2007

TO: County of Maui
Department of Planning

ATTN: Jeffrey Dack

RE: Request for change in zoning from R-3 Residential to M-1 Light Industrial
Tax Map Key No. (2) 3-4-03:009
Location 485 Waiale Road, Wailuku, Maui, Hawaii

Dear Mr. Dack,

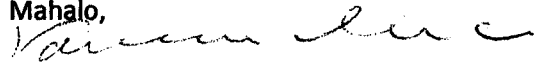
I understand that you have been assigned the case regarding the request for change in zoning of the property indicated above.

I wish it to be noted that, as a resident within 500 feet of this property, I STRONGLY OBJECT to the change in zoning. My property is 484 Kalua Road, tax map key 2.3.4.4.19. This is a residential area; changes in zoning will have a negative impact on all of the residences in the surrounding area, with increased noise, pollution, EPA violations, and terrible eyesores, such as the heavy equipment trucks that are parked right on my property line by G. Ibara Heavy equipment company. I believe this is residentially zoned and is being used illegally as an industrially zoned property. In addition, the property on the other side of me has new owners, who plan to put in a commercial laundromat and parking lot. They are already trying to rebuild units on that property, with no evidence of permitting. I would like these issues looked into immediately.

I would like to be informed of any further proceedings occurring regarding this matter so that I might file any formal objection necessary, whether it be in writing, or in person, at any hearing or other proceeding.

Please allow my objection to be heard to those involved in the decision making regarding this case.

Mahalo,



Vanessa Ince
385-2652

2007 FEB 03 7 PM 1 38
Planning Dept.

EXHIBIT 41

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter Of The Application Of)	
	)	DOCKET NO. CIZ 2006/0014
GRAYMARK WAIALE ROAD)	
ASSOCIATES, LLC	)	(Graymark Waiale Road
)	
To Obtain A Change in Zoning from the)	
R-3 Single Family Residential District to the	)	JPD
M-1 Light Industrial District at Maui Tax)	
Map Key 3-4-003:009, Wailuku, Maui,)	
Hawaii _____)	

DEPARTMENT OF PLANNING'S RECOMMENDATION
TO THE MAUI PLANNING COMMISSION
JULY 14, 2009 MEETING

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

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter Of The Application Of)	
	)	DOCKET NO. CIZ 2006/0014
GRAYMARK WAILE ROAD)	
ASSOCIATES, LLC	)	(Graymark Waiale Road
)	
To Obtain A Change in Zoning from the)	
R-3 Single Family Residential District to the	)	JPD
M-1 Light Industrial District at Maui Tax)	
Map Key 3-4-003:009, Wailuku, Maui,)	
Hawaii _____)	

CONCLUSIONS OF LAW

The application complies with the applicable standards for a Change in Zoning, as follows:

Change in Zoning:

The change in zoning meets the following criteria:

1. With the application of recommended conditions of approval, 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. With the application of recommended conditions of approval, 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; and
5. The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area.

RECOMMENDATION

The Department of Planning recommends that the Commission recommend approval of the Change in Zoning, subject to the following conditions:

1. That, in order to achieve consistency of site improvements with the proposed new M-1 zoning, and to the satisfaction of the Department of Planning, the owner shall work with the Department of Planning's Zoning Administration and Enforcement Division to confirm consistency with and/or necessary measures to achieve full conformance of all current and proposed site improvements and uses with the standards of the M-1 Light Industrial District and any other applicable provisions of the Zoning Code. Measures to achieve full zoning conformance shall be implemented within the earlier of three years of the rezoning or any building permit which might be necessary. (Recommended by Current Division)
2. That, in order to meet provisions of the Wailuku-Kahului Community Plan, and to the satisfaction of the Department of Planning, uses which are permitted within the M-1 Light Industrial District but which are not permitted within the R-3 Residential District and which are not conducted wholly within a completely enclosed building shall be established only upon the approval of a County Special Use Permit until such time that there is no longer any residentially zoned land within 150 feet of the property which is not committed to use as drainage facilities. (Recommended by Current Division)
3. That, to the satisfaction of the Zoning Administration and Enforcement Division of the Department of Planning, the applicant shall comply with the off-street parking and loading ordinance. (Recommended by Zoning Administration and Enforcement Division)
4. That, in order to meet zoning requirements, and to the satisfaction of the Current Division of the Department of Planning, landscape and irrigation plan approval and installation is required. (Recommended by Current Division and Zoning Administration and Enforcement Division)
5. That, in order to meet provisions of the Wailuku-Kahului Community Plan, and to the satisfaction of the Department of Planning, the proposed parking lot upgrade shall include the installation of landscape planting to provide a buffer between uses on the property and adjoining residential uses. Landscape planting shall incorporate native and drought tolerant species, and practice xeriscaping. The owner shall plant the existing and future right-of-way with appropriate trees, and/or turfgrass and ground cover. (Offered by the applicant and recommended by Current Division and Zoning Administration and Enforcement Division)
6. That, in order to meet provisions of the Wailuku-Kahului Community Plan, and to the satisfaction of the Current Division of the Department of Planning, plans shall be submitted to and approved by either the Current Division or the Urban Design Review Board to meet the Community Plan provision to "Emphasize contrasting earth-tone schemes for buildings", and said plans shall thereafter be implemented. (Recommended by Current Division)
7. That, in order to meet provisions of the Wailuku-Kahului Community Plan, and to the satisfaction of the Department of Public Works, the applicant shall participate in "the Bike Plan Hawaii" by making provisions along Waiale Drive for pedestrian and bicycle access by striping a bike lane in an appropriate location fronting the subject property. (Recommended by Current Division)
8. That, in recognition of potential historical resources presented by buildings on the

property, and to the satisfaction of the Department of Planning, an architectural inventory of the buildings shall be prepared prior to any future exterior modifications to the buildings. (Recommended by Cultural Resources Planner, Long Range Division)

9. That, in order to minimize construction impacts, and to the satisfaction of the Department of Health, Police or Planning, during any construction efforts shall be made to minimize noise, dust and debris, and adequate traffic control devices and personnel shall also be utilized to minimize the impact of construction vehicles accessing the property and work being done adjoining the right-of-way. (Recommended by Police Department)
10. That, in order to meet fire flow requirements for Light Industrial zoned land, and to the satisfaction of and on a schedule approved by the Department of Water Supply, the applicant shall install two fire hydrants on the 12-inch waterline at a spacing of 250 feet. Further, should any building occur in the future, the applicant shall provide for water service and fire protection in accordance with system standards. (Recommended by Department of Water Supply)
11. That, in order to conserve water, and all to the satisfaction of either the Department of Water Supply or the Department of Planning, the developer shall employ the following water conservation measures: install Low-Flow Fixtures and Devices, including but not limited to low-flow water fixtures and devices in faucets, showerheads, urinals, water closets and hose bibs; establish a regular maintenance program for fixtures to prevent leaks; use climate adapted, drought tolerant, and non-invasive plantings; limit irrigated turf; Provide rain-sensors on all automated irrigation controllers; check and reset irrigation controllers at least once a month to reflect the monthly changes in evapo-transpiration rates at the site, or as an alternative, provide the more automated, soil-moisture sensors on controllers. (Recommended by Department of Water Supply)
12. That in accordance with MCC 14.25A.130 (C), and to the satisfaction of the Wastewater Reclamation Division of the Department of Environmental Management, provide the location of any existing property cleanout and if none exists, install one after submittal to and approval of the plans by the Wastewater Reclamation Division. (Recommended by Department of Environmental Management)
13. That, in order to protect archeological sites which may be present in subsurface deposits exposed during proposed work, and to the satisfaction of the State Historic Preservation Division (SHPD), a qualified archeological monitor shall be present during all ground altering disturbance with tin the subject parcel in order to document any historic properties with may be encountered and to provide mitigation measures as necessary. (Recommended by State Historic Preservation Division)
14. That, to the satisfaction of the State Historic Preservation Division (SHPD), prior to the commencement of ground altering disturbance associated with the proposed project, the project developer or developer's agent must submit an appropriately prepared monitoring plan to SHPD for review and acceptance. The plan must contain the following provisions:
 - a.) Specify the kinds of historically or culturally significant sites or remains of sites anticipated and where in the construction area they are likely to be found;
 - b.) Specify how such sites or remains of sites will be documented;
 - c.) Specify how such sites or remains of sites will be treated;
 - d.) Specify that the archaeologist (s) conducting the monitoring has (have) the

authority to halt construction in the immediate area of the find in order to carry out the plan;

- e.) Specify that coordination between the archaeologist and construction crew has been scheduled so that all involved parties are aware of the plan and what it means;
- f.) Specify what laboratory work will be performed on any cultural sites or remains of sites that might be found in the project area;
- g.) Specify details concerning the archiving of any collections that are made;
- h.) Specify a schedule of report preparation and that the report will be submitted within the required 180 days after completion of the proposed undertaking.
(Recommended by State Historic Preservation Division)

15. That, in order to encourage timely compliance with the conditions of approval, a compliance report shall be submitted Department of Planning within three years of the effective date of the Rezoning and shall be approved by the Department of Planning prior to approval of any building permits subsequent to three years of the effective date of the Rezoning. (Recommended by Current Division)

In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Department of Planning's Report and Recommendation prepared for the July 14, 2008, meeting as its Report to the Maui County Council and authorize the Planning Director to transmit said Report and Recommendation to the Maui County Council.

APPROVED:



JEFFREY S. HUNT, AICP
Planning Director

APPROVED 11/24/09
Date

Maui Planning Commission
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moving over here at the time. So I am not aware of what you decided.

Mr. Hedani: Okay, lets assume that the appropriate changes would be made per the director's recommendation. Any additional discussion? All those in favor signify by saying aye. Opposed nay.

It was moved by Mr. Starr, seconded by Ms. Sablas, then

VOTED: To Approve the Special Management Area Use Permit as Recommended.
(Assenting - J. Starr, L. Sablas, K. Hiranaga, J. Guard, W. Mardfin, D. Domingo)
(Dissenting - W. Shibuya)
(Excused - B. U'u)

Mr. Hedani: One nay. Motion is carried. Thank you. Director.

Mr. Hunt: You're next item involves Mr. Brian Hecktman of Greymark Waiale Road Associates, LLC requesting a Change in Zoning from the R-3 Residential District to the M-1 Light Industrial District for a 30,166 square foot property situated at 485 Waiale Road, TMK 3-4-003: 009 in Wailuku. The file number is CIZ 2006/0014 and the planner assigned to this is Jeffrey Dack.

- 4. MR. BRIAN HECKTMAN of GREYMARK WAIALE ROAD ASSOCIATES, LLC requesting a Change in Zoning from the R-3 Residential District to the M-1 Light Industrial District for a 30,166 sq. ft. property situated at 485 Waiale Road, TMK: 3-4-003: 009, Wailuku, Island of Maui. (CIZ 2006/0014) (J. Dack)**

Mr. Jeffrey Dack: Good afternoon. The applicant stated that they are requesting a change in zoning from the R-3 single family residential district to the M-1 light industrial district in order to establish an appropriate area for neighborhood M-1 light industrial use consistent with the Wailuku-Kahului Community Plan. The applicants further indicated that the ability to achieve financing associated with the property would be enhanced by a rezoning.

The state land use district for this site is Urban. The community plan designation is Light Industrial. The zoning is R-3 Residential and it's not located in the SMA.

Relative to surrounding land uses immediately to the north on the west side of Waiale Road is residential. The east side of Waiale Road is a cemetery, on the north side immediately east across the Waiale Road is marine product sales and light industrial uses. To the south is Spreckles ditch, equipment storage, stormwater area used as a park and to the west is equipment storage. There's a variety of designations under the community plan for those respective areas as indicated in your staff report some being light industrial, public/quasi-public and single family as well as there's – most of the area immediately adjoining the site is still zoned R-3 Residential with a small portion zoned light industrial.

The property is roughly triangular shaped. It's developed with three older buildings and a mainly asphalt equipment yard and parking area between the buildings. Regarding services to the site,

it's currently served by a 5/8-inch water meter. Fire protection to the project site is provided by an existing fire hydrant located at the northeast corner of the lot which is connected to an old 4-inch water line. There is a newer 12-inch water line available in Waiale Road. There's an existing 10-inch sewer line behind the property that was installed again in the 1930's, an older line obviously and there's an 19-inch more recent, much more recent line from the 1970's in Waiale Road.

Based on site topography a small portion of the site along Waiale Road drains onto the road. Runoff of the remainder of the site converges at the low area behind the building that fronts Waiale Road.

According to the applicant's project assessment report, over the past 60 years prior to the adoption and prior to the adoption of the comprehensive zoning ordinance for Maui County light industrial uses have remained consistently at 485 Waiale Road as an existing and nonconforming use.

The subject property has been located in the State Land Use District Urban since 1964, and subsequently the county zoned the property R-3 Residential District. The Wailuku-Kahului Community Plan which was adopted in 1987 and updated in 2002, designates the subject property for light industrial uses in order to establish consistency.

The rear metal building is an existing and nonconforming structure with the standards of the M-1 Light Industrial District. Therefore, the applicant will seek a variance in order to achieve zoning conformance.

The site contains a gross area of 30,166 square feet as mentioned by the director and with buildings with 9,080 square feet of usable floor area. No new or future development on the remaining portion of the site is proposed as part of the application.

Consultants for the applicant have prepared landscape and parking plan with 13 striped parking stalls. They indicate it also includes a shrub hedge landscape buffer along the existing fence between the site and the adjacent residential property as well as six trees. As no building development is proposed at this time, no road improvements, site drainage improvements or water or fire protection upgrades have been proposed by the applicant.

The applicant indicates that the existing buildings at 485 will continue to operate as light industrial use. Currently there's an equipment dealer, a bail bonds business and a water distributor. There are 12 employees at the property and the hours of operation run from 8:00 a.m. to 8:00 p.m.

Chris Hart would now like to further present the project then I'll return to present the department's analysis. Thank you.

Mr. Hedani: Mr. Hart.

Mr. Chris Hart: Thank you Mr. Dack. Thank you Mr. Chairman and Members of the Commission. We have a short power point presentation that we'd like to make. By the way, Mr. Hecktman, Brian Hecktman is present in the audience and he can also be available during the question and answer period.

As Mr. Dack indicated to you this is an application for a change in zoning for property located at 485

Waiale Drive basically in Wailuku. And this is a shot of the property basically at the intersection of Wainu Drive and Waiale Drive. Wainu is this road coming down and then Waiale is fronting the project site. One of the important aspects that I want to bring up in the context of our presentation is the fact that the area is predominantly industrial in character. You can see by this major Maui Electric transmission line. The Quonset hut and this building were actually built back in 1947, after World War II and this is before Maui had zoning. And as Mr. Dack indicated that when the State Land Use Law was adopted in 1964, this property was identified among others as Urban and subsequently it was zoned R-3 Residential.

This site plan aerial actually shows a little bit more detail about the project location. The site is located here. This is Wainu Drive. This is Waiale Drive. And in terms of the area across the street, diagonally is the Valley Isle Marine Center, across the street directly along Wainu Drive is Maui Memorial Park which is a cemetery site. This is Koa Drive which is actually not a street but it's actually a storage area for construction equipment. This is the – it's called the – drainage retention basin for the Kehalani ...(inaudible - changing on tape)...

... is north and this purple actually identifies the area that's proposed in the community plan for industrial. The state land use classification has been indicated is Urban. Maui County zoning is R-3 Residential. Wailuku-Kahului Community Plan has identified the site since 1987 and again in 2002 as Light Industrial, M-1 Light Industrial and the applicant is requesting that change to be in compliance or conformity with the community plan. Again, this is the community plan map which shows the light industrial. This is the portion of the site that is in question at this time. And then it identifies also the public/quasi-public as the cemetery, Maui Memorial Park and also this is the Valley Isle Marine site. This is land zoning map which shows basically the site and it shows the portion of the site that's being proposed as light industrial. I also would like to mention that along the back boundary is the Spreckels Ditch which actually we'll see some shots of that. It's been in existence since 1882.

Again, this is the building and the site with the buildings, commercial building fronting Waiale and the Quonset storage hut in the back and again, when Mr. Brian Hecktman purchased the property it was in a pretty dilapidated condition and he has taken steps to basically improve the site, improve the facilities on the site.

This is a shot of the Spreckels Ditch. You can see the ditch underneath and this is basically a water transmission line on top but it runs along the – it would be the southerly boundary of the site. And this is Koa Drive as I indicated. The site is actually used as a construction equipment parking site. This is the Kehalani retention basin that's further to the south. Now this essentially shows, this is looking north on Waiale Drive and essentially shows some other industrial related uses namely like the Valley Isle Marine Center. Again, this is site photos. This is at the intersection of Maui Memorial Park. I just think the Maui Electric transmission lines basically changed the character of the neighborhood if it ever was a residential neighborhood, it really kind of changes the character with those major transmission lines.

This is next door neighbors adjacent to the subject parcel. You can see the subject parcel. Give you a sense of development in the area that's immediately adjacent. It supposed to be "residential." Kind of being used as storage site. And a lot of the buildings there are pretty dilapidated condition.

The project description, we're not proposing any development on the site. We're just proposing to

continue to take measures to improve the quality of the site. We've done some things that are pretty obvious. And you know, we are looking to make some additional improvements. The intent is to maintain the existing light industrial uses. At the subject property we're not proposing to do something that's you know, has no noxious uses. Essentially we're talking about, you know, maintaining the mixed use character of the M-1 Light Industrial District which would be retail or commercial uses and related industrial uses. There will be landscape improvements provided.

This is gives you a sense of what it did look like and this is, you know, basically since the improvements were made. Mr. Hecktman actually consulted with a local architect August Percha and the idea was to try to, you know, basically brighten up the site and to make it interesting.

This is the equipment rental area on the site. Currently there's more pieces of equipment obviously here than would normally be here because of the downturn in the construction industry but it is an equipment rental and storage area which is a permitted use in the light industrial. This is the proposed parking and landscape plan and one item that we can – can we look at the slide of the front of the building? Actually you can see the cars actually back out into Waiale Drive and you know, it's our intent to basically correct that because essentially there should be the maneuvering for automobiles should be on the site. So lets go back to the site. So what we're proposing is to widen the sidewalk to provide parallel stalls and to provide a bike path along Waiale Drive. And then of course, in terms of the square foot area and the uses we're required to have 10 parking stalls, automobile parking stalls. We're proposing to provide 13 and with the appropriate landscape planting.

The project benefits. The change in zoning request meets the intent and purpose of the district being requested, M-1 Light Industrial District. The change in zoning request is consistent with the 1987 and again, with the 2002 community plan land use map. A landscape buffer would be created for privacy along the property line adjacent to the residential parcel. Two fire hydrants will be installed along Waiale Drive. Pedestrian and bicycle safety will be provided. Reconfiguration of the existing parking fronting Waiale Drive to four parallel stalls will occur. The applicant will provide a striped bike lane in the front of the property to participate in the Bike Plan Hawaii initiative.

Can we go back to the landscape plan again? This just shows you the area that's to the north that is residential that's where those dilapidated houses and so on are, we're proposing to provide a landscape planting buffer along the property boundary there. We thank you for your patience and are open for questions.

Mr. Hedani: Questions from the Commission? Chris, the shaded area that was shown in the last slide is that where the Quonset hut is right now so that's not a new building.

Mr. Hart: No, no, those buildings have all been there. Well, the main building, the building fronting Waiale Drive and the building – the Quonset hut have been there since 1947.

Mr. Hedani: Commissioner Starr.

Mr. Starr: Is American Machinery still in there?

Mr. Hart: Excuse me?

Mr. Starr: Is American Machinery, the John Deere, American Machinery?

Mr. Hart: I'm not sure. Mr. Hecktman, this is Brian Hecktman.

Mr. Brian Hecktman: Hi, Brian Hecktman, the applicant. Yeah, American Machinery is the equipment dealer in the Quonset hut buildings B and C.

Mr. Hart: It has a John Deere color scheme.

Mr. Starr: Bought a lot of tractor parts out of there. The right star, Maui Memorial who is that? That's shown as the owner of record, was that something to do with the Memorial Park?

Mr. Hecktman: Yeah, they were the prior owner. They owned the memorial park. They actually went into bankruptcy. I think they had some ...(inaudible)... dealings and ownership when they came out of bankruptcy I bought that property in order for them to have more cash on hand. They were selling the property.

Mr. Hedani: Commissioner Mardfin.

Mr. Mardfin: If this is granted, what impact will it have on the property taxes paid by the owner?

Mr. Hart: By the owner, well, you know obviously the assessment based on the zoning would increase probably because of the industrial zoning. So I would say that it would end up raising the taxes.

Mr. Mardfin: Assuming the rates were the same.

Mr. Hart: Yes.

Mr. Hedani: Commissioner Mardfin.

Mr. Mardfin: Can you explain to me why you want this done? If it's not going to help your taxes and it's just continuing the existing usage why go to all this trouble?

Mr. Hart: In the context Mr. Mardfin, of the planning process that we go through here on Maui you know, my feeling is professionally that you know, lets say in 2002, it took from 1992 to 2002 to adopt the updated Wailuku-Kahului Community Plan that's 10 years. You know, so the Council certainly knows a lot about Wailuku-Kahului. It would be appropriate at that time for the Council to initiate or implement the zoning. In other words, there should be consistency and conformity. Without it, it really creates problems as far as the opportunities for development or if there's going to be a proposed subdivision you don't have to consistency and conformity. What we do in Maui is that we basically wait and let the owner apply for the change in zoning and obviously if it's consistent with the community plan which is the proposed zoning in the area, you know, it should be a relatively easy process and it basically enhances the value and it makes opportunities to do any future -- to take on any future building permits easier or do a subdivision, it makes it easier. You know, it's not so much a matter of raising your taxes. It's just really a matter of being able to say that the uses that you have are legitimate and permitted in terms of the zoning as opposed to being existing and nonconforming.

Mr. Hedani: Commissioner Hiranaga.

Mr. Hiranaga: I think the staff planner mentioned that it was easier to obtain financing because when you have an existing nonconforming use, it becomes more difficult to obtain financing because if the structures were destroyed you would have a very difficult time rebuilding.

Mr. Hart: Right.

Mr. Hedani: Additional questions? Commissioner Starr.

Mr. Starr: Yeah, a lot of 90 weight and transmission fluid and antifreeze hits that tarmac, all the broken down bulldozers and tractors end up there. Where does that go and where will it go?

Mr. Hart: At this time essentially it all stays on site. There's cleaning that goes on regarding the parking area but you know, essentially there's no process or system set up to collect it and just, you know, basically dispose of it. There is a disposal but it's just basically cleaned up as a surface.

Mr. Starr: So when rain hits I mean, it's got to go somewhere when you have a rain storm, it gets washed somewhere. Does it get ...(inaudible)... into the ditch? Does it wash into the road?

Mr. Hart: A lot of it goes into the ditch yes.

Mr. Starr: And there's a different expectation with industrial compared to residential as far as the you know, what's going to happen environmentally. And I do agree that it should be made industrial because that's the use, but I also know that you know this is a relatively dirty use and if we were going to have someone come before us for process to create an industrial use for repair and parking of heavy equipment we would make a provision for dealing with the runoff from the machinery. So I, for one, would like to see something like that is in place because right now it's either going into the ditch which isn't good, you know, which means it will end up in a treatment plant or in ...(inaudible).. or it's going to into the county, state drainage system and then end up directly in the ocean.

Mr. Hart: No, I stand corrected about the ditch. It doesn't actually go in the ditch. It's basically retained on site and it percolates on site.

Mr. Starr: Through the tarmac?

Mr. Hart: Well, it's the – drainage system yeah.

Mr. Starr: Can you describe the drainage system in detail please?

Mr. Scott Crawford: Hi, my name is Scott Crawford and I'm a broker for C.B. Richard Ellis. I was involved with overseeing the installation of a retention basin that was permitted about two and a half years ago and I don't remember the size of it but it was designed by Kirk Tanaka to handle all the onsite drainage.

Mr. Hedani: So all of the drainage is retained on site, Scott?

Mr. Crawford: Yeah, everything in the back. I think the front just goes out onto the street which isn't much but most everything is handled on site.

Mr. Hedani: Additional questions for the applicant? Commissioner Mardfin.

Mr. Mardfin: On the report we have on page 11, at the very top, it says, it has lines that always drive me nuts, "no new or future development on the remaining portion of the site is proposed as part of this application." And two paragraphs later it says, "as no building development is proposed at this time, no road improvements, etc., are being proposed." That makes me think what are the, even though it's not part of this application what's being contemplated down the line because I think we ought to be thinking about that. If we're go change in zoning we ought to be thinking about what uses are being contemplated at least for this area.

Mr. Hart: There's no proposed new development. What we are proposing as we indicated on the site plan we are proposing to make improvements along Waiale Drive. And we are proposing - I think it's important to consider the fact that the property was purchased by Mr. Hecktman. The buildings have basically been there since 1947. He wants to clean up the project, the property. He would like to get the zoning consistent and in conformity with the community plan. There could be in the future proposals to development but Mr. Hecktman doesn't have any proposals to develop.

Mr. Hedani: I guess the response to that Commissioner Mardfin would be what other uses are appropriate for M-1 Light Industrial would be what you would contemplate at this time. Commissioner Mardfin.

Mr. Mardfin: Well, that brings me to page 14 of the report, and on page 14, under Environment and Objectives and Policies, Objectives and Policies 8, "minimize noise, water and air pollution from industrial uses, electric power generating facilities and waste water treatment plants." Under Discussion, the second paragraph down it says, "the M-1 Light Industrial Districts allows a broad range of uses, permitted uses with no discretionary review by the planning commission." "No discretionary review by the planning commission. Given the limited size of the site major light industrial are clearly not likely to be developed but some uses permitted in the light industrial which could possibly be established in smaller scales could lead to some levels of noise, water and air pollution, most likely noise. See that's the part that makes me worried. I mean, it seems like this is being got at in bits and pieces. You know you're going to go for little this bit now get the thing rezoned and then it's out of our purview down the road instead of having a comprehensive plan for what's going to go on here. I'm just, you might have an answer for this but it's just the sort of thing that bothers me.

Mr. Hart: Well, there's of Maui especially Kahului that's zoned M-1 Light Industrial District. You know, it's a basic mixed use zone and in this particular case this individual bought essentially a derelict property and he wants to fix it up and he wants to basically have the zoning in compliance or in conformity. He doesn't have any - he has long term leases with his tenants. He has a cash flow. He doesn't have any - I have a property in Wailuku that has potential but I don't have any money to basically tear down my building and rebuild it. You know, I'm content with what I have. You know, there are a lot of people that are like that. I mean, it may be that someone will come along in the future and want to buy the property and demolish the buildings and redevelop but that's going to be handled through the building permit process and there are basic requirements for infrastructure improvements and -

Mr. Hedani: Director Hunt.

Mr. Hunt: Most jurisdictions you have a community plan designation and then you have a zoning that's consistent with that. And then as individual projects come in you have a regulatory scheme through the zoning ordinance that regulates those uses so that they're not coming for a public hearing before the planning commission and there is a discretionary review. The community merely sets up regulatory scheme and says if you do something in the industrial district you have to take care parking and noise and etc. Because Maui has this inconsistency with our zoning and community plan we have a system where there's all these change in zoning and because our regulatory scheme is somewhat lacking we're always looking at this as an opportunity to regulate the use and it really shouldn't be. I mean, the applicant is coming in to change the zoning of his property which is consistent with the community plan. So he really should be applauded for achieving consistency and if he proposes future industrial uses, the zoning ordinance in theory should take care of that.

Mr. Hart: And the building permit process.

Mr. Hedani: Commissioner Starr.

Mr. Starr: Yeah, I'm still concerned about drainage and I'm looking at drainage in the report on page 20, and what it tells me is not what we just heard. There's not a retention basin that was created there is a low point in the paved area behind the front building which my recollection is filled with mower decks and other equipment and it says that it ponds there till it reaches several inches and then it runs off. So in effect what's happening is that there's no way for this stuff to be filtered or percolate but rather it's running - it's ending up in the greater environment. So I know I for one would not want to proceed without having a drainage report. You know they say that Tanaka did one. We should have that certainly with us and we should make sure that if we do turn this to industrial since there is a dirty industrial use on it that is generating a lot of oils and other toxic fluids on the ground that it's being contained on the site. So my feeling is probably that we should wait for that.

Mr. Hedani: Commissioner Hiranaga.

Mr. Hiranaga: I just - first just one comment. My parents live about a quarter mile from this property so I've looked at this place for 40 something years and it has greatly improved in appearance.

Mr. Hart: Thank you.

Mr. Hiranaga: One question. I know on the parking you're going to allow parallel parking on Waiale Drive. So parallel parking is allowed by the County Code.

Mr. Hart: It's on our private property.

Mr. Hiranaga: No, I understand that your current configuration is not really legal to back out onto a public street, but if the County Code allow parallel parking.

Mr. Hart: Yes it does. Chapter 19.36.

Mr. Hiranaga: Okay, that's all I wanted to know. One more question and I'll let the floor go. As far as the edge between the buffer of your residential neighbors, are you also considering a fence?

Mr. Hart: There is a fence.

Mr. Hiranaga: Okay, what kind of fence is it?

Mr. Hart: It's a chain link fence.

Mr. Hiranaga: How high?

Mr. Hart: It's six feet, the chain link fence I think it is.

Mr. Hiranaga: All right, thank you. Just one, on that parallel parking, you know, hard habits are hard to break so I know you're widening the sidewalk.

Mr. Hart: Right.

Mr. Hiranaga: But is there still room with the bike path if someone wanted to not follow your striping to still be able to pull in straight or their tail is going to stick out.

Mr. Hart: It would stick out into the street.

Mr. Hiranaga: Okay.

Mr. Hedani: Commissioner Starr.

Mr. Starr: It might be a good place to try reverse diagonal parking.

Mr. Hart: Yeah, well.

Mr. Starr: I know it's going to take a while to train people for that but it's safe and it probably would allow you some more spaces.

Mr. Hart: In our discussions with Mr. Hecktman, you know, Waiale Drive is going to become kind of a bypass. It's going to intersect Honoapiilani Highway past Waikapu, so there's going to be a lot more traffic on it and people backing out into a - you know, it's not necessarily the best way to go. So we basically talked to him about the parallel parking because people can, you know, take advantage of the parallel parking, go to the shops in the front and then put the rest of the parking in the back and it worked out well as far as providing bike path. So that's our solution and that's why we did it.

Mr. Hedani: I have a question Chris. You mentioned Koa Drive. That's not part of this particular property right?

Mr. Hart: No, it's not.

Mr. Hedani: Was it intended at some point in time to connect to Koa Subdivision was that the

original intent of that so that you have more interconnectivity?

Mr. Hart: I really don't know. Koa Subdivision is quite far away. It's actually a private road and it has an area farther mauka where they have a lot where they have an additional group of construction equipment.

Mr. Hedani: So that's not part of this project at all?

Mr. Hart: No, it's not at all.

Mr. Hedani: Any additional questions? Commissioner Hiranaga.

Mr. Hiranaga: You received one letter from I guess a person who owns parcel 19 opposing the application but all the other residents that about this property did not respond.

Mr. Hart: They were all notified. Nobody responded. The person that has parcel 19 is actually abuts that area that's being used. It's farther mauka, but it's within 500 feet but it's farther mauka and it abuts the area that where all the construction equipment is parked. So they were concerned about that primarily.

Mr. Hedani: Additional questions? Commissioner Hiranaga.

Mr. Hiranaga: This is kind of a new thing. Well, actually this might be more of a question for the director, so I'm not sure if it's appropriate at this time to ask him that question.

Mr. Hedani: Toss it out there.

Mr. Hiranaga: Recently an ordinance was brought to us regarding stacking of uses within zoning designations. So one of the concerns about removing the ability or the stacking practice within existing industrially zoned properties was you were going to make the B-1, B-2 and B-3 existing uses nonconforming. So I'm wondering if this is a candidate to remove the B-1, B-2 and B-3 zoning uses.

Mr. Hunt: I think it is a candidate. I think you'd want to do some analysis. We need to be careful not to create nonconforming uses. I mean, that's as argued earlier that's one of the reasons for the change in zoning in the first place is to get rid of nonconformity. So with some discussion and conceptually the Planning Department could support some restriction to business uses being ancillary to the industrial uses and so it doesn't turn into a business park.

Mr. Hiranaga: Well, what I'm looking at is you know, when it was previously proposed it was going to be like a blanket removal of B-1, B-2 and B-3 uses overall existing M uses on this island. But now we have someone who's coming to try and obtain a M-1 zoning, rezoning and so to me, if we're going to start moving to the future of trying to insure that there is M-1 land available for M-1 uses this is a candidate where you say yeah, we'll give you the M-zoning but we're not going to allow you to stack the B-1, B-2 and B-3 uses on it.

Mr. Hunt: Again, conceptually the department could support that idea. When we discussed that bill the department's position was we should create a new M-3 Industrial District that would allow

only businesses that are ancillary to the industrial use. The classic example is, and this is an agricultural use, but the classic example is if you have a winery you crush the grapes on the site and you're allowed to sell your bottles out front in a little tasting room. You sell that product. So there's a retail component but it's definitely attached to the industrial use. The Planning Department supports that same concept. So we would not support a blanket no businesses at all. We would soften that and say businesses would only be allowed if they're ancillary to the industrial use.

Mr. Hedani: Additional questions for the applicant? Commissioner Mardfin.

Mr. Mardfin: Now I'm on page 17, Item 3 right near the bottom, it says, "the cultural resources planner for the department commented in an email dated March 4, 2009, Exhibit 26, in part, there needs to be an architectural inventory survey of the site before further work can be approved." And if you turn to Exhibit 28, there's an email from Stanley Solamillo saying, "I concur with the SHPD findings. Concerns over the adaptive reuse and requiring a cultural resource inventory of the site. Changes have been made to one building after the fact fees should be assessed. There needs to be an architectural inventory of the site before further work can be approved."

And the memo from, the email from Jeffrey Dack that I think got to that response it said, "there expressing some concerns about the proposed, "building modifications." And then a sentence or two later it says, "raised issued about the paint color which does not appear in keeping with the Wailuku-Kahului Community Plan, planning standards, No. 3."

I guess I'd like you to respond to the idea that when - if you plan to do an archaeological inventory survey since you are planning to put in parking lots and planting that a full architectural inventory site should be done before hand and also to the point that these changes to whatever building you have be in conformity with community plans and historical considerations.

Mr. Hart: Okay, the community plan really only has, what you already quoted by Mr. Dack it says, "emphasize contrasting earth tone schemes for buildings. Of course, Mr. August Percha chose some pastel colors. His choice was to try to brighten the area. There is definitely an interest in acknowledging the fact that the buildings are from 1947 and that there would be an acknowledgment of that in the context of basically a survey of the architecture and we would work with Mr. Solamillo about that or with him concerning that.

Mr. Hedani: Additional questions from the Commission? Commissioner Hiranaga.

Mr. Hiranaga: If this request is granted, aren't there Department of Health regulations regarding drainage and retention for industrial wastes.

Mr. Hart: Yes there are.

Mr. Hiranaga: So you would be complying with whatever federal, state laws that are applicable to industrially zoned land as far as drainage is concerned?

Mr. Hart: Yes. And in the drainage report that was prepared by Kirk Tanaka he basically talks about you know the fact that the site is developed now. So we're not proposing any development. But he also talks about you know, improvements to the drainage system in the context of an issuance

of a building permit. Which basically he says, the drainage pattern might be altered if the redevelopment will involve the reconfiguration of existing building footprints. The change however, will be internal. It is not anticipated to affect off site drainage conditions. But there definitely would be improvements to the drainage system in the context of any redevelopment of the site.

Mr. Hiranaga: My concern is on page 20, it says that that the water ponds up to a depth of eight and a half inches before it overflow occurs across the northern boundary onto the lower adjacent property.

Mr. Hart: Right.

Mr. Hiranaga: And that would be the residential property.

Mr. Hart: That's correct.

Mr. Hiranaga: The northern ends. So I think I would want the landowner to remedy that condition as a condition for the rezoning.

Mr. Hecktman: Yeah, we did remedy those drainage issues with ...(inaudible)... Kirk Tanaka did where we essentially installed a some sort of retention basin in the center. So now it drains towards the center. There's a basin there and it catches everything so we no longer have an overflow issue.

Mr. Hedani: That was Mr. Hecktman for the record. Commissioner Hiranaga.

Mr. Hiranaga: So then you allow the water to evaporate and then you scrap up the sludge? Where does the sludge go?

Mr. Hecktman: To the extent there's any sludge, I believe it stays in there.

Mr. Hiranaga: It's a underground retention?

Mr. Hecktman: Right.

Mr. Hiranaga: Or it's a vault?

Mr. Hecktman: I believe so. I don't have the plan in front of me.

Mr. Hedani: Commissioner Guard.

Mr. Guard: So if there's a catch basin is there the opportunity to put something that would catch the petrochemicals when it does rain to filter that out? As it evaporates or percolates into the ground after the fact?

Mr. Hecktman: I would have to check with Kirk Tanaka.

Mr. Guard: So I guess for director that could possibly be something that we put if it moves forward as a recommendation for the change in zoning to do that.

Mr. Hunt: You have the ability to condition zoning based on the criteria in your zoning code which I believe speaks to public welfare and public interest, fairly broad.

Mr. Guard: Right. Because right now I live in a residential neighborhood and I don't think all the neighbors would like me doing heavy equipment repairs right there in a residential area if the water went into their property either.

Mr. Hedani: Commissioner Starr.

Mr. Starr: We've gotten three different answers over what exactly happens with the drainage. Now we're told that there was a underground retention system installed. I really think we need to see the drainage report before we go any further. And I know I would want to have a commitment that if improvements are going to be necessary to deal with the existing heavy industrial use and a sense of use of lubricants on the site that that be rectified in a time of the essence manner. So you know, I'm happy to defer this pending that and if the Chair would be open to a motion for deferral at this point, I believe we can see if there's willingness.

Mr. Hedani: I think we haven't had the public hearing and we haven't had the staff recommendation, yeah.

Mr. Starr: If you'd like to do that, that's fine. I'd be happy to defer within out it, but if you want to proceed that's fine.

Mr. Hedani: Commissioner Hiranaga.

Mr. Hiranaga: I think I read this in the staff report, but any road widening requirements on Waiale Road have been satisfied Mr. Public Works Deputy Director?

Mr. Hedani: Mr. Miyamoto.

Mr. Miyamoto: As identified by the planner as there is no development for this proposal there is no trigger at this point for that. At building permit we'll reevaluate it.

Mr. Hiranaga: Waiale Road is being proposed I think for four lanes and would you have to go through condemnation to obtain those right of ways?

Mr. Miyamoto: The plan cross section for Waiale Road is still at debate as the crossing underneath the overpass at Kaahumanu is very restrictive at this point. We can barely if we're lucky to get three lanes under there. So if anything Waiale may be a three-lane roadway which consists of one lane each direction with a possible center turn lanes for the adjacent properties. As you're aware, the current corridor has a lot of right of way on the mauka end towards the old cane haul road portion of the corridor. So until the cross section for that roadway is determined whether it's going to be four, three, with a turn lane isn't determined at this point. You know, we're pretty much, we withdrew the comment because there was no proposal for development, but if there is anything we'll look at it. On this side of the property as you can see from the photos you see the high tension lines, the utility lines, those would be extremely expensive to relocate at that point in the future. So at this point, we're pretty much on that side of the roadway, the right of way lines, probably pretty much be about where it is now.

Mr. Hiranaga: Thank you.

Mr. Hedani: Any additional questions for the applicant? Okay, if not we'd like to open it up for a public hearing at this point. Are there any members – Jeffrey?

Mr. Dack: Would you like to have the department's analysis or just go to public hearing? Just keep in mind we haven't provided analysis yet. If you wish to go to public hearing, that's fine.

Mr. Hedani: Why don't we go ahead and do the public hearing at this point?

a) Public Hearing

Mr. Hedani: Are there any members of the public that would like to offer testimony on this agenda item? Seeing none, public hearing is closed. Staff recommendation.

b) Action

Mr. Dack: The application complies with the applicable standards for a change in zoning. The department recommends that the commission in turn recommend approval of the change in zoning to the County Council subject to 15 conditions that are listed in your staff report as I'll now summarize for each one.

The owner will achieve full compliance of all current and proposed site improvements and uses with the standards of the M-1 Light Industrial District and any other applications provisions of the zoning code.

Number 2. That uses which are permitted within the M-1, Light Industrial District which are not permitted within the R-3, Residential District and which are not connected wholly within a completely enclosed building shall be established only upon the approval of a County Special Use Permit until such time that there is no longer any residentially zoned land within 150 feet of the property which is not committed to be used as drainage facility.

Number 3. The applicant shall comply with off street parking and loading ordinance.

Number 4. Landscape and irrigation plan approval and installation is required.

5. Landscaping shall provide a buffer between uses on the property and the adjoining residential uses. Incorporate native and drought tolerant species, xeriscaping and the owner shall plant the existing and future right of way with appropriate trees, etc.

Item 6 or Condition 6. That plans shall be submitted to and approved by either Current Division or the Urban Design Review Board to meet the community plan provision to emphasize contrasting earth tone schemes for buildings and said plan shall thereafter be implemented.

Number 7. Striping a bike lane in an appropriate location fronting the subject property.

Mr. Hedani: Mr. Dack.

Mr. Dack: Yes.

Mr. Hedani: All of the commissioners have the report. You're not going to read all 15 conditions are you?

Mr. Dack: No. And if you wish me to not summarize any of the rest of them, I'll just conclude with the – actually I've got a couple typographical errors I'd like to correct in Condition 13, fourth line, where it says, "within" should be "with in" please. And typo in Condition 15, the second line, should read, "compliance report shall be submitted to the Department of Planning." So again, if you don't wish me to summarize any more of the conditions. In consideration of the foregoing, in both the written department report and recommendation report, the Planning Department recommends the commission adopt the two reports prepared for this meeting as its report to the County Council and authorize the Planning Director to transmit the report and recommendation to the Council. Any questions?

Mr. Hedani: Commissioners? Commissioner Mardfin.

Mr. Mardfin: I have some questions. One. On Condition 6, you're talking about the contrasting earth tone schemes as opposed to the green and yellow that was for commercial purposes despite the fact that they're pastel. Would this require them to repaint that building?

Mr. Dack: It might. They could have the opportunity to under this condition go to the Urban Design Review Board which might conclude that the existing color scheme meets the policies in the community plan. That could be an opportunity in which case they would not have to repaint, but in any case they would have to either obtain approval of those colors or any modified colors from the Current Division of the Planning Department or the UDRB.

Mr. Mardfin: And Condition 8, in recognition of potential historic resources an architectural inventory of the building shall be prepared prior to any future exterior modifications, but exterior modifications have already taken place and it seems to me I would prefer to see this saying – this is my personal view – something like an architectural inventory of the buildings will be performed before the rezoning takes place. I'm just forecasting where I'm likely to be.

Mr. Dack: I can speak to that if you wish me to. The way the application was written, I personally found a little bit confusing. It referred to proposed modifications to the exteriors of the buildings which had already occurred. So when the Cultural Resources Planner received the application he saw that there were proposed modifications and wrote back that there should be an architectural inventory survey. Well, there are no modifications, with further discussion with the applicant, I received clarification that there were no proposed modifications beyond those which had already taken place. And so, we took the wording from the Cultural Resources Planner and suggested that should there be any future modifications beyond those that have already taken place then that would be the appropriate time for the inventory survey. We weren't asking that they go retroactive although that could be a condition that the commission could recommend to Council.

Mr. Hedani: Commissioners? Commissioner Starr.

Mr. Starr: Yes, is the repair and storage of heavy machinery a permitted use in R-3?

Mr. Dack: In R-3?

Mr. Starr: Yes.

Mr. Dack: No, not in R-3. No.

Mr. Starr: So that would mean that they would have to – they would not be able to do that use.

Mr. Dack: If they were to establish – if that use didn't exist right now, they were to have the zoning in place with the conditions as recommended they would have to, and involved in exterior use then they would have to come back to the planning commission for a discretionary review and approval of a County Special Use Permit to do that.

Mr. Starr: But why if they are getting a change in zoning doesn't that mean that use is starting fresh on new zoning and they would have to comply at that point with Condition 2?

Mr. Dack: No, because – if it were determined that that use was an existing nonconforming use, then that would be allowed to continue even after the change in zoning occurred. If there was a new use like that established then that would be fresh zoning, a fresh new use which would then be subject to the condition. But any use that was existing prior to the – an existing and...(inaudible)... part of the change in zoning would be allowed to continue.

Mr. Hedani: Additional discussion? Commissioner Starr.

Mr. Starr: Yeah, I move for deferral pending drainage report from an engineer and remediation plan if called for.

Mr. Mardfin: Second.

Mr. Hedani: Moved and seconded to defer. Seconded by Commissioner Mardfin. Discussion? Commissioner Hiranaga.

Mr. Hiranaga: I'm just wondering if staff and the applicant can come up with language for a new condition that would insure that they will meet all Department of Health requirements that are necessary for M-1 zoning with regards to storm water retention and drainage for future – existing and future uses.

Mr. Dack: I believe we could work on such a condition.

Mr. Hiranaga: The basic intent is to bring them into conformance with the current uses allowed and not have those be grandfathered in so that they would meet whatever federal, state standards are required for a commercial M-1.

Mr. Dack: Relative to drainage and any leakage so to speak from the current equipment that's the boundaries of your suggestion correct?

Mr. Hiranaga: Yeah, storm retention and treatment of the storm water so it doesn't percolate untreated into the soil maybe that would satisfy some of the commissioners concerns.

Mr. Hedani: Commissioner Mardfin.

Mr. Mardfin: Jeffrey, I'd also like you to think about a wording of the architectural survey such that it be done – architectural. The archaeological part seems to be okay. They've got a plan in there. There are two conditions for that that seem adequate but the architectural thing, maybe the horse is out of the barn already, but to avoid any future horses leaving that same barn, I think it ought to be done now not later. So I'm not asking for it to be done before our – whatever our deferral date is but that you consider a condition such that it would have to be done before the zoning would take place.

Mr. Hedani: Commissioner Hiranaga.

Mr. Hiranaga: My request that I made was, yeah, in lieu of deferring this matter if we could take a recess since we've been in session for two hours if you can come up with language during that recess that would satisfy at least a majority of the commissioners. The applicant – is that something the applicant would consider?

Mr. Guard: Lets take a recess then.

Mr. Hedani: Does the commission desire a recess at this point?

Mr. Guard: Sure. It's been two hours.

Mr. Hiranaga: Well, it depends if they're going to work with them or not.

Mr. Hedani: Mr. Hart.

Mr. Hart: Yes, Condition No. 1 is something that, obviously this is an existing and nonconforming uses on this particular site. And Condition No. 1 talked about in order to achieve consistency of site improvements with the proposed new M-1 Light Industrial zoning and to the satisfaction of the Department of Planning that we confirm consistency with and/or necessary measures to achieve full compliance or conformance of all current and proposed site improvements and uses with standards of the M-1 Light Industrial District. In other words, that was the intention of that condition. Obviously we're not saying that a project that was built you know, basically in 1947, you know, completely complies with today's standards. Obviously in the context of the parking plan that we're doing, the change in the parking in the front of the building, you know, we totally understand that. I do believe that there have been drainage improvements although unfortunately it wasn't communicated in the way that it should have been and I apologize for that. And I also apologize for the fact that work was done on the building, but we did make the submittal back in 2006 and it's just getting to you in terms of the planning commission. So there was a period of time in which, you know, tenants were occupying the building and some things had to be done. Everything's that been done has been done with a building permit. So they have gone through the building division. It's not a matter of avoiding compliance with county requirements. But you know, we would certainly look at the whole site and be able to come up with basically a plan for conformance to the standards to the M-1, Light Industrial District.

Mr. Hedani: Why don't I take that as a yes, and we'll take a 10-minute recess.

A 10-minute recess was taken after which the commission then reconvened.

Mr. Hedani: Discussion on the motion to defer? Commissioner Starr.

Mr. Starr: Yeah, I believe there was an attempt to try to create some wording that may satisfy those of us that have concerns on this so could we ask Mr. Dack to.

Mr. Hedani: Jeff.

Mr. Dack: Yeah, just before you broke, took your break, you had testimony from Chris Hart or actually comment from Chris Hart relative to Condition No. 1 which currently as it's written requires full conformance of all current site improvements with standards of M-1 District and that to occur within three years. And so that made us, the applicant and the department think that we could basically add onto that fairly simply and so we would like to recommend wording that would just simply be added to each of those two sentences in Condition 1. The first sentence would read as it is right now with the addition of the following wording, "as well as all current Department of Health standards for storm water disposal." So in other words, they would need to achieve full compliance with all current – of existing and proposed site improvements with DOH standards for storm water disposal.

And then the second sentence refers to a time frame within which things need to occur in that case provides three years for zoning. The applicants indicated that they actually have already carried out the improvements even though – when we unfortunately weren't aware of that until just during the hearing. But in any case, since they've already done it right now, they would be willing to have addition to that last sentence be, "zoning and compliance would be within three years," and then the additional wording would say, "and shall demonstrate full conformance with all current Department of Health standards for storm water disposal within 30 days of the approval of the change in zoning."

Mr. Hedani: Commissioner Starr.

Mr. Dack: And they would intend to demonstrate that prior to actually going to the Council.

Mr. Starr: I'm a little confused by that. Maybe Mr. Miyamoto can help because my feeling is that since it's an existing use compliance with the standards would be to keep doing what they've been doing. Mr. Miyamoto, could you?

Mr. Hedani: Mike.

Mr. Miyamoto: Thank you Mr. Chair. Regarding what the County enforces, we're mainly looking at the quantity of water that impacts an adjacent property. As like you say, it is an existing use, you know, there would be basically no change in quantity of water that impacts the adjacent property. Regarding quality, yes it is a Department of Health area of responsibility but whether or not they would be looking into the storm water disposal, I think they would need a trigger which would probably be some kind of a complaint or action taken by the adjacent property owner who may be affected by this water. So there would have to be proof provided by someone that there was some kind of a contamination occurring and that's about as far as that I can recall.

Mr. Starr: Is there a way we can trigger that?

Mr. Hedani: Or you could condition it as a part of this approval.

Mr. Miyamoto: Yeah, that's the only way that I think you can somehow trigger is by making it a condition of this approval.

Mr. Hedani: Commissioner Mardfin.

Mr. Mardfin: I'm concerned because if this is done within three years after they get the rezoning it seems to me there's no teeth in it anywhere so I don't – I have a real problem with this whole thing.

Mr. Dack: The suggestion, the suggestion is that the demonstration of conformance with Department of Health standards for storm water disposal be done within 30 days of the approval not three years. The three years would be for zoning, 30 days for storm water, but the applicant indicates it's already done. So I expect they would be demonstrating it before it gets to Council.

Mr. Hedani: Commissioner Mardfin.

Mr. Mardfin: Well, that's the point, 30 days after doesn't make any more difference than three years after once rezoning has taken place, rezoning has taken place. So I think it should be before hand. I'm going to support the motion for deferral. I think we could see the report of what's there. It would take care of all our concerns probably but we'd have a chance to look at it and see whether they've done what we think they ought to be doing. If we think they should be doing more, we could make conditions at that point with better knowledge. Right now we have incomplete knowledge. So I'm going to vote for deferral.

Mr. Starr: Could we call the question Mr. Chair?

Mr. Hedani: Commissioner Guard.

Mr. Guard: I guess for the applicant, I don't know the water way right there. I know right up the street there's actually water flowing in there and where does this water if there's any water, the picture on the screen showed about a I don't know two to four-foot diameter pipe above ground so I don't know if there's still water in that ditch and if so, where it goes and what it's used for.

Mr. Hedani: I think it goes to Waiale reservoir. Chris.

Mr. Hart: Chris Hart. Actually it's Spreckels Ditch which was built in 1882 and it runs right by my house that's why I know. It actually is designed basically to pick up storm water. So during the storm season a lot of storm water goes into the Spreckels Ditch. It goes to the Waiale reservoir and you know, I've talked to Jeff Eng about it, Director of Department of Water Supply. You know the water quality because of the fact that all along the ditch at least during, when it gets to the urban areas does take water from basically storm water from streets and yards and so on. They don't look at it as high quality opportunity for treatment of surface water, but it is used for agricultural irrigation. But that's the way the ditch was designed and it may not be the way that it should have been designed but that's the way it is designed.

Mr. Guard: Well, a lot of things could have been done different a hundred years ago. Then I guess follow up question. On most either retail shopping centers we've seen, industrial ones and this might be just education for your client as well, anyone who's doing automotive or parking lots mostly have some type of a catch basin to catch some of those petrochemicals. So with this knowing that tenant's use I mean, would it be the right thing to do more than anything?

Mr. Hart: Yes, it would and we certainly agree with it. In the context of again, this being existing and nonconforming, this condition that Mr. Dack came up with, in other words, we're starting with a clean slate we've got something that is existing. The intention was that you know within a period of three years that we would comply in all areas in the context of the requirements of M-1 Light Industrial District zoning. We found out today you know there is, there has been improvements that were installed that were designed by Kirk Tanaka. Unfortunately we didn't know that, I apologize for that, but the idea is you know, we are fully – our intent and I think that Mr. Hecktman's intent you can tell is not to just desert the property and leave it in its current condition. He does want to comply and he has done – he's got plans to do more with the parking. He's done some things with the buildings and so the drainage is another improvement that's he's provided. We do want to make sure and that's why we added when we were in the recess added the desire to discuss it with the Department of Health that it meets the requirements that Mr. Starr is concerned about and you know, we will do that.

Mr. Hedani: Additional discussion? Commissioner Hiranaga.

Mr. Hiranaga: Just to make it plain and simple so all existing nonconforming uses which will become conforming uses if the zoning is granted will meet all Department of Health regulations per M-1 zoning. Is that what you just said? And could I have Jeffrey repeat the verbiage, proposed verbiage change.

Mr. Dack: Okay, wording added to the end of the first sentence in Condition No. 1 would be, "as well as all current Department of Health standards for storm water disposal." Wording added to the end of the second sentence would be, "and shall demonstrate full conformance with all current Department of Health standards for storm water disposal within 30 days of the approval of the change in zoning." I can read the entire condition as it would be changed if you would like.

Mr. Hedani: Commissioner Starr.

Mr. Starr: I'd be willing to accept if tacked on the end would be, "as though it were a new use," "as though the current use were a new use."

Mr. Dack: That would be easy to accomplish.

Mr. Hedani: Is that something the applicant is agreeable to?

Mr. Hart: Yes, we're not – obviously the standards are the standards and you know, certainly we would want to meet the requirements of today as if it was a new use. Yeah, that's fine.

Mr. Hedani: Commissioner Starr.

Mr. Starr: I'd like to withdraw my motion for deferral if the second agrees with it.

Mr. Hedani: Commissioner Mardfin.

Mr. Mardfin: I'll withdraw the second if I'm allowed to make a motion to defer. I still think that there are issues I'd like to see the report of what is already there and I'd like to have a condition in there on an architectural survey.

Mr. Starr: Mr. Chair, I will not withdraw my motion in that case and I wish we would call the question.

Mr. Hedani: Any further discussion on the motion to defer? Okay, all those in favor of deferral please signify by raising your hand. Three. All those opposed, three four.

It was moved by Mr. Starr, seconded by Mr. Mardfin, and

The Motion to Defer the Matter to Obtain Additional Information, Failed.
(Assenting - J. Starr, W. Mardfin, W. Shibuya)
(Dissenting - K. Hiranaga, J. Guard, D. Domingo, L. Sablas, W. Hedani)
(Excused - B. U'u)

Mr. Hedani: Chair votes opposed. Motion is lost. What's your pleasure? Don't all speak at once. Commissioner Guard.

Mr. Guard: This is for someone on the applicant's side. Scott, you seem to have the best ability to maybe describe what Kirk did on this property if you oversaw it. Scott Crawford who testified earlier, if that's okay Chair?

Mr. Hedani: Sure.

Mr. Crawford: Scott Crawford. Did you have a specific question?

Mr. Guard: Well, it sounded like you knew, you worked with Kirk with the drainage plan or what you did and then when the owner came up it sounded like it was just a sump in a low area and you could go in with a shovel and shovel out sludge and I don't know if that's what the intention was on the -

Mr. Crawford: I never saw sludge, but my involvement was overseeing -

Mr. Guard: I mean, is it just a sump or does it go underground.

Mr. Crawford: What used to happen is it would flood and then it would go into the neighbor's yard and so the system that was designed was to handle all the storm water on site so it didn't flood onto the neighbor's property.

Mr. Hedani: So to your knowledge Scott, it doesn't leave the property at the current time?

Mr. Crawford: Everything is handled on site. The only part that isn't is the smaller area on front on Waiale Road that's higher, but everything else is handled on site.

Mr. Hedani: Commissioner Mardfin, did you have questions that you wanted to ask the applicant?
Commissioner Hiranaga.

Mr. Hiranaga: Scott, can you describe those improvements?

Mr. Crawford: There was a retention basin that was dug up that was approximately 30 x 30 feet and probably 20 feet deep and then there was some type of plastic perforated pipes that were put in there and then an inlet to that. So it was about a \$200,000 drainage job and it was permitted and designed by Tanaka.

Mr. Hedani: Commissioner Starr.

Mr. Starr: When was this done?

Mr. Crawford: Approximately a little over two years ago I believe.

Mr. Hedani: Commissioner Shibuya.

Mr. Crawford: I wasn't involved with any of the application so I guess that's why I didn't get -

Mr. Shibuya: I just wanted to confirm with you, are there petrochemical absorbents or catchments or separators.

Mr. Crawford: Not that I'm aware of. I think it's just a straight inlet.

Mr. Hedani: Commissioner Starr.

Mr. Starr: I really question that. I've been a pretty steady customer down there and I sure didn't see that especially pretty active down there about two years ago.

Mr. Crawford: As far as the drainage?

Mr. Starr: As far as excavation and the large retention basin and pipes being put in. You know, some of that equipment that's parked down there has been mine.

Mr. Crawford: Maybe it was more than two years ago, but I watched it happen and definitely it was there.

Mr. Hedani: Okay, Commissioners what's your pleasure.

Mr. Crawford: Thank you.

Mr. Hedani: Commissioner Guard.

Mr. Guard: Just wondering if there'd be any room in item one for the petrochemical. I don't know if DOH is going to make that a mandatory item as we saw with Maalaea Boat Harbor. They didn't mind, state didn't mind it running right into the ocean. So I don't know if that might have to end up on our doorstep to have that be taken care of on the - maybe Jeffrey knows about that.

Mr. Dack: Well, I'm just thinking I don't have wording in front of me but I know it's a very standard condition these days to require oil/grease separators in Special Management Area Use permit and even some time frames for review and cleaning and monitoring and all that. It seems like you might be interested in having a condition that would require that kind of mechanism be established if it doesn't already exist. It's just another option.

Mr. Guard: The last one to take care of that was probably at the airports maybe where we had a similar situation with it running right into the ditch that tried to catch it and absorb it.

Mr. Dack: Yeah, I think one of those was my project relative to National Alamo Rental Cars and yes, I ... (inaudible)...

Mr. Guard: There was another one as well.

Mr. Hedani: Any further discussion? Those who are not in favor of deferral should have a motion to do something at this point.

Mr. Guard: If we can - I don't want to have rewrite Item 1 myself to add that in.

Mr. Hedani: Can have a motion to approve and then amend by adding on language specific to that condition if that's what you want.

Mr. Guard: I'll make the motion to recommend approval to the Council for the change in zoning.

Mr. Hedani: As amended?

Mr. Guard: As amended.

Mr. Hedani: Is there a second?

Mr. Shibuya: Second.

Mr. Hedani: Seconded by Commissioner Shibuya. Discussion? Commissioner Mardfin.

Mr. Mardfin: I'm going to vote against this motion. I still think that there needs to be requirement for a architectural inventory. I think there should - we should see the reports that were done in terms of what's being done with water and runoff and this waste water and so I'm prepared to vote this whole project down until that's done.

Mr. Hedani: I'm sorry; you're taking about an architectural inventory of building that are on the site?

Mr. Mardfin: That's what was requested in there.

Mr. Hedani: Archaeological inventory.

Mr. Mardfin: Architectural inventory.

Mr. Hedani: There's no such thing as an architectural inventory.

Mr. Starr: 17.

Mr. Mardfin: If you look at Condition 8. Condition 8 says, "that in recognition of potential historical resources presented by buildings on the property and to the satisfaction of the Department of Planning an architectural inventory of the buildings shall be prepared prior to any future exterior modifications to the buildings." I think they should be done before any recommendation for rezoning is done.

Mr. Starr: On page 17 as well.

Mr. Hedani: Okay, so this is for historical architectural purposes?

Mr. Mardfin: Yeah.

Mr. Hedani: Any additional discussion? Commissioner Starr.

Mr. Starr: I do agree with Commissioner Mardfin, but I as a point of order I'd like to know if the wording that we discussed was part of the motion that was made the one about as if it were a new project and so on.

Mr. Hedani: Commissioner Guard.

Mr. Guard: I believe the applicant was okay with that. So I'd be fine with that and I just hope that they would just add a little more by putting something in for the petrochemical filters, filtration. And then one quick item was I guess on Item 8 to - my thought on the architectural inventory was as long as nothing was happening to the exterior of the buildings the architecture was going to be the same. So that's why I thought that was okay to wait until the next building permit round. If that helps.

Mr. Hedani: Commissioner Shibuya.

Mr. Shibuya: I was going to propose a amendment to include the petrochemical collectors as well as separators and some filtering system and to insure that all water drainage did not go towards the neighbors all around except maybe the highway but it would end up primarily on the property of the owner.

Mr. Hedani: That's a long motion. Is that in a form of a motion?

Mr. Starr: Can I try to save it for you?

Mr. Hedani: Commissioner Starr.

Mr. Starr: The amendment would read that an additional condition be added, "that 100% of the drainage resulting from a hundred-year storm be filtered for petrochemical residue and retained on site."

Mr. Shibuya: Fine.

Mr. Hedani: What about the Waiale Drive section?

Mr. Starr: It's still a parking area.

Mr. Hedani: Is there a second?

Mr. Shibuya: Second.

Mr. Hedani: Seconded by Commissioner Shibuya. Discussion? Mr. Hart.

Mr. Hart: Well, the Department of Public Works only requires a 50-year storm, 100-year is a huge amount of collection that's really - I think that's beyond the requirements you know, of anybody else in the county.

Mr. Starr: I'd be willing to go with a 50-year storm as long as they're doing all of it.

Mr. Shibuya: Fine.

Mr. Hedani: So a 50-year is acceptable Chris?

Mr. Hart: Yes.

Mr. Hedani: Commissioner Hiranaga.

Mr. Hiranaga: Well, my concern on the amendment was he stated a 100% Chris. You know, you've got four parking stalls on Waiale Road. It's going to be a lot of money to put in drainage pipes to capture that and transport it to the rear of the property.

Mr. Hart: There is going to be a gutter along Waiale Road.

Mr. Hiranaga: Yeah, I don't know if I can support the amendment if you're saying a 100%. I think there has to be some practical reasonableness when you're dealing with -

Mr. Hart: In the context of most businesses you know, the front of the business, the sidewalk drains into the street and you know, basically the water is carried away and I believe that it's normal for something like that to happen.

Mr. Hedani: Commissioner Hiranaga.

Mr. Hiranaga: All the noxious industrial uses are to the rear of the property. So I think my focus is to treat that water and not be concerned about four parallel parking stalls on Waiale Road.

Mr. Hedani: Commissioner Starr.

Mr. Starr: I'd be willing say with the exception of the four parallel parking stalls and the bikeway.

Mr. Hedani: Is there consent of the second?

Mr. Shibuya: Second.

Mr. Hedani: Okay, so the amendment is to add a condition basically requiring filtering of petrochemicals from a 50-year storm from the remainder of the property. Any further discussion on the amendment? All those in favor signify by saying aye. Opposed nay.

It was moved by Mr. Starr, seconded by Mr. Shibuya, then

**VOTED: To Add a Condition, "that 100% of the drainage resulting from a fifty-year storm be filtered for petrochemical residue and retained on site with the exception of the four parallel parking stalls and bikeway on Waiale Road."
(Assenting - J. Starr, W. Shibuya, K. Hiranaga, J. Guard, W. Mardfin,
D. Domingo, L. Sablas)
(Excused - B. U'u)**

Mr. Hedani: Carried. Thank you. Any further discussion on the main motion? Commissioner Mardfin.

Mr. Mardfin: I'm still going to vote against it. There's no architectural inventory.

Mr. Starr: Make an amendment.

Mr. Shibuya: Amendment.

Mr. Mardfin: I don't want to do that I want to vote against it. I want it deferred.

Mr. Hedani: Any further discussion? Ready for the question? All those in favor of the main motion to approve as recommended as amended signify by raising your hand. Opposed same sign.

It was moved by Mr. Guard, seconded by Mr. Shibuya, then

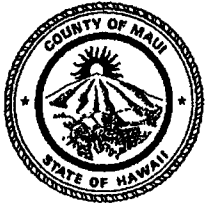
**VOTED: To Accept the Recommendation to Recommend Approval of the Change in Zoning from R-3 to M-1 Light Industrial District to the County Council with Amended Conditions.
(Assenting - J. Guard, W. Shibuya, K. Hiranaga, D. Domingo, L. Sablas,
J. Starr)
(Dissenting - W. Mardfin)
(Excused - B. U'u)**

Mr. Hedani: Motion is carried. Thank you.

Mr. Hart: Thank you.

Mr. Hedani: Thank you very much Chris. Director.

Mr. Hunt: The planning commission's next item involves Square Feet Management LLC requesting



COUNTY OF MAUI
DEPARTMENT OF PLANNING
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 270-7735

FAX: (808) 270-7634

APPLICATION TYPE: C CHANGE IN ZONING APPLICATION

DATE: 8-26-2008 VALUATION: \$ 0

PROJECT NAME: Waiale Road Parcel, Change In Zoning

PROPOSED DEVELOPMENT: Change In Zoning from (a pre-existing light industrial use)
R-3 Residential District to M-1 Light Industrial. No development is proposed.

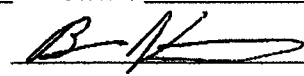
TAX MAP KEY NO.: 3-7-3:09 CPR/HPR NO.: _____ LOT SIZE: 30,187 30,166

PROPERTY ADDRESS: 485 Waiale Road, Wailuku, Maui, HI 96526

OWNER: Brian Hecktman PHONE:(B) (415)-310-7717 (H) _____

ADDRESS: 1342 Green Street, Suite 6

CITY: San Francisco STATE: CA ZIP CODE: 94109

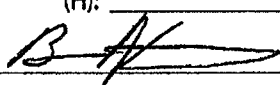
OWNER SIGNATURE : 

APPLICANT: Graymark Waiale Road Associates, LLC

ADDRESS: 1342 Green Street, Suite 6

CITY: San Francisco STATE: CA ZIP CODE: 94109

PHONE (B): (415) 310-7717 (H): _____ FAX: (415) 474-2516

APPLICANT SIGNATURE : 

AGENT NAME : Chris Hart and Partners, Inc.

ADDRESS: 115 N. Market St

CITY: Wailuku STATE: HI ZIP CODE: 96793

PHONE (B): (808) 242-1955 (H): _____ FAX: (808) 242-1956

EXISTING USE OF PROPERTY: Light Industrial and Retail

CURRENT STATE LAND USE DISTRICT BOUNDARY DESIGNATION: Urban

COMMUNITY PLAN DESIGNATION: LI ZONING DESIGNATION: R-3 Residential

OTHER SPECIAL DESIGNATIONS: _____