

COUNCIL OF THE COUNTY OF MAUI

PLANNING AND LAND USE COMMITTEE

August 24, 2004

Committee
Report No.

04-136

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

Chair and Members:

Your Planning and Land Use Committee, having met on July 13, 2004, makes reference to County Communication No. 03-164, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING JUANITA J. AND DOUGLAS CHONG A CONDITIONAL PERMIT TO OPERATE A FRUIT/ROADSIDE STAND WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT KEANAE, MAUI, HAWAII".

The purpose of the proposed bill is to grant a five-year Conditional Permit to operate a roadside fruit stand on approximately 5.631 acres in Keanae, identified for real property tax purposes as Tax Map Key No. 1-1-007:003(portion).

Your Committee notes that the Hana Advisory Committee held a public hearing and meeting on the Conditional Permit application on February 21, 2002, and the Maui Planning Commission held a public hearing and meeting on the Conditional Permit application on March 25, 2002. After reviewing the findings presented in the documents entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE HANA ADVISORY COMMITTEE FEBRUARY 21, 2002 MEETING", the Maui Planning Commission voted to recommend approval of the Conditional Permit, subject to standard conditions (such as a requirement for compliance with all applicable governmental requirements, a prohibition on transfer, and a requirement for liability insurance).

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

1. The application complies with the applicable standards for a Conditional Permit.
2. The proposed use will be in harmony with the area.

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At its meeting, your Committee met with a Staff Planner from the Department of Planning, a Deputy Corporation Counsel, and applicants Juanita J. and Douglas Chong.

Juanita J. Chong testified in support of the proposed bill. She noted that she and her husband have operated a fruit stand on the subject property without any negative impacts. She said their business is convenient for East Maui visitors and creates no negative impacts for East Maui residents.

Your Committee recommended that the proposed bill be revised to provide a ten-year duration and to incorporate nonsubstantive revisions.

Your Committee voted to recommend passage of the revised proposed bill, and filing of the communication.

Your Committee is in receipt of a revised proposed bill, incorporating nonsubstantive revisions.

Your Planning and Land Use Committee RECOMMENDS the following:

1. That Bill No. _____ (2004), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE GRANTING JUANITA J. AND DOUGLAS CHONG A CONDITIONAL PERMIT TO OPERATE A FRUIT/ROADSIDE STAND WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT KEANAE, MAUI, HAWAII" be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 03-164 be FILED.

Adoption of this report is respectfully requested.

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WAYNE K. NISHIKI **Chair**

DANNY A. MATEO **Member**

G. RIKI HOKAMA **Vice-Chair**

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