

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

December 20, 2005

Committee
Report No.

05-176

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

Chair and Members:

Your Land Use Committee, having met on November 21, 2005, makes reference to County Communication No. 05-277, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2980 (2001), TO EXTEND A CONDITIONAL PERMIT TO MAUI EXPOSITION, INC., TO ALLOW THE CONTINUED OPERATION OF THE MAUI SWAP MEET WITHIN THE COUNTY R-3 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII".

The purpose of the proposed bill is to grant a request from Wil Wong, President, Maui Exposition, Inc., for a Conditional Permit time extension of one year or until the Maui Swap Meet (swap meet) is relocated, whichever is sooner, to allow for the continued operation of the swap meet on approximately 4.8 acres of land within the County R-3 Residential District at Kahului, Maui, Hawaii (TMK: (2) 3-7-13:026).

Your Committee notes that the Maui Planning Commission held a public hearing on the application on July 26, 2005.

Your Committee further notes that the Maui Planning Commission, after reviewing the findings and recommendations presented in the document entitled "MAUI PLANNING DEPARTMENT'S REPORT AND RECOMMENDATION TO THE MAUI PLANNING COMMISSION JULY 26, 2005 MEETING", voted to recommend approval of a time extension on July 26, 2005.

By correspondence dated October 27, 2005, the Planning Director transmitted a copy of the minutes of the Maui Planning Commission's July 26, 2005 meeting.

By correspondence dated November 7, 2005, the Chair of your Committee requested that the Department of the Corporation Counsel revise the proposed Conditional Permit bill to reflect the new zoning designation for the subject property, which was changed from R-3 Residential District to P-1 Public/Quasi-Public District by Ordinance No. 3329, effective November 7, 2005.

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By correspondence dated November 10, 2005, the Department of the Corporation Counsel transmitted a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2980 (2001), TO EXTEND A CONDITIONAL PERMIT TO MAUI EXPOSITION, INC., TO ALLOW THE CONTINUED OPERATION OF THE MAUI SWAP MEET WITHIN THE P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII", incorporating your Committee's requested revisions.

At its meeting, your Committee met with the Planning Director; a Planner, Department of Planning; the Director of Housing and Human Concerns; the Deputy Director of Public Works and Environmental Management; a Deputy Corporation Counsel; and Wil Wong, President, Maui Exposition, Inc., the operator of the swap meet.

Your Committee received public testimony from five individuals. Four of the testifiers, all of whom are vendors at the Maui Swap Meet, voiced support for its continued operation and noted that the swap meet provides valuable income assistance to vendors, many of whom are seniors. The vendors noted concerns, however, over potential disruptions in operations that could result from relocating the swap meet, the need to find an appropriate location, and the length of the time extension, and requested that the Council consider assistance with infrastructure costs associated with a new site. The fifth testifier distributed written testimony concerning greenbelts, and objected to urban sprawl and "erasing a Maui park".

Mr. Wong provided background information concerning the swap meet, which has been in operation for 24 years. He also described efforts to find a new site for the swap meet, the status of ongoing discussions with Maui Community College (MCC) to provide a potential site, the drain basin where the swap meet would be situated, and an anticipated optimal timeline for relocating.

Mr. Wong stated that in November 2004, the University of Hawaii's Board of Regents unanimously approved the concept of siting the swap meet at MCC, and authorized MCC to proceed with the lease. He noted that the swap meet has agreed to provide landscaping maintenance for MCC's two entrances, and to maintain the drain basin and surrounding area. MCC would participate in revenues generated by the swap meet, and the swap meet would assist with an entrepreneurial program for MCC students and serve as an outlet for the culinary school. In return, the swap meet would obtain a long-term lease that assures the vendors and community a long-term home for swap meet

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operations. The lease has not been finalized due to difficulties encountered in flood liability language. Mr. Wong further informed your Committee that if the issue is resolved and the lease with MCC is obtained, the swap meet would still be required to obtain a Special Management Area (SMA) permit and a traffic study. The swap meet is also awaiting comments from the Department of Public Works and Environmental Management.

Mr. Wong estimated that it would take at least six to eight months to obtain an SMA permit, and that the best case scenario would allow the swap meet to relocate in two years. He requested that the Conditional Permit be extended until construction of the anticipated Central Maui Senior Housing and Office Building Project was scheduled to begin.

The Director of Housing and Human Concerns noted that the Maui Swap Meet was granted its first Conditional Permit 15 years ago in 1990. She commented that allowing too great a time extension would reduce the swap meet's sense of urgency in finding a new site.

Your Committee discussed various options that would lengthen the Conditional Permit time extension. Your Committee considered increasing the proposed time extension from one year to two years, to read as follows in Section 2, Paragraph No. 1, of the revised proposed bill:

- “1. That the Conditional Permit [to operate a swap meet use] shall be valid [until November 30, 2004;] for a period of two (2) years from the effective date of this ordinance or until the swap meet is relocated, whichever is less; provided, that an extension of this [permit] Conditional Permit beyond [said expiration date] this two-year period may be granted pursuant to Section 19.040.090 *[sic]*, Maui County Code.”

The Director of Housing and Human Concerns informed your Committee that the proposed amendment to the time extension would be acceptable to the Department.

Your Committee voted to recommend that the revised proposed bill be further revised as noted, that the further revised proposed bill be passed, and that the communication be filed.

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Your Committee is in receipt of the further revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's requested revisions and other technical revisions.

Your Land Use Committee RECOMMENDS the following:

1. That Bill No. _____ (2005), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2980 (2001), TO EXTEND A CONDITIONAL PERMIT TO MAUI EXPOSITION, INC., TO ALLOW THE CONTINUED OPERATION OF THE MAUI SWAP MEET WITHIN THE P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication No. 05-277 be FILED.

Adoption of this report is respectfully requested.

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ROBERT CARROLL **Chair**

DAIN P. KANE **Member**

JOSEPH PONTANILLA **Vice-Chair**

DANNY A. MATEO **Member**

MICHELLE ANDERSON **Member**

MICHAEL J. MOLINA **Member**

G. RIKI HOKAMA **Member**

CHARMAINE TAVARES **Member**

JO ANNE JOHNSON **Member**