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PC-02

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PC Committee

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Sent: Thursday, June 01, 2017 5:34 PM
To: PC Committee; Kelly King
Cc: Stacy S. Crivello
Subject: Follow-Up Testimony re PC-2
Attachments: Document1.docx

Follow up to 6/1 oral testimony.

Mark Hyde

To: Maui County Council Planning Committee

From: South Maui Citizens for Responsible Growth

Re: Molokai Community Plan

Date: June 1, 2017

Agenda Item: PC 2

At the suggestion of the Planning Committee chair today, South Maui Citizens for Responsible Growth ("SMCRG") submits the following comments in support of its recommendation that the community plan/zoning "cross walk" contained in Appendix 6.1 to the draft Molokai Community Plan be deleted.

Land uses identified in community plans should sync with and be complementary to zoning designations. Thus, land designated in a community plan for light industry should match with uses allowed in light industrial zones.

But that is not the case in Maui County because light industrial zones can contain a multiple of things, many of which have nothing to do with customary light industrial uses. As mentioned in oral testimony, there are parcels of land in Maui County designated for light industrial use, commonly defined, but which contain not a shred of commonly defined light industrial use. Maui Marketplace on Dairy Road is such a parcel: zoned light industrial but containing 100% retail.

Accordingly, the land use/zoning matrix in Appendix 6.1 is **misleading** by implying a one-to-one relationship between community plan definitions of light industry and uses permitted in light industrial zones. The two are, in fact, not in sync.

This disjoint can create horrendous consequences for a community. Consider South Maui's experience in 2012 when the mayor, the Planning Director and a developer announced that an 88 acre parcel of land specifically called out in the community plan for light industrial use was to be developed into the largest shopping center in Maui County, with the intersection leading into it attracting the highest volume of traffic experienced anywhere else on Maui.

Committee members should read the laundry of uses permitted in light industrial zones, made the worse by the Planning Department's erroneous implementation of light industrial zones, because it ignores the Purpose and Intent clause introducing light industrial zones, which says they are "to contain **mostly warehousing and distribution types of activity** . . ." The word "mostly" means more than half.

Here's what is allowed in light industrial zones per the zoning ordinance:

- **19.24.010 - Purpose and intent.**

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 except for dwelling units located above or below the first floor and apartments. (Ord. No. 3975, § 2, 2012)

- **19.24.020 - Permitted uses.**

Within the **M-1 light industrial 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:

Any use permitted in a B-1, B-2, or B-3 business district; provided, however, that no building, structure or portion thereof shall hereafter be erected, converted, or moved onto any lot in an M-1 district for dwelling purposes, including hotels and motels, except for units located above or below the first floor and apartments; animal kennels; apartment houses; assembly of electrical appliances, radios and phonographs including the manufacture of small parts of small parts such as coils, condensers crystal holders and the like; carpet cleaning plants; cold storage plants; commercial laundries; craft cabinet and furniture manufacturing; education specialized; farm implement sales and service; general food, fruit and vegetable processing and manufacturing plants; harbor facilities; ice cream and milk producing, manufacturing and storage; laboratories - experimental, photo or motion picture film testing; light and heavy equipment and product display rooms, storage and service; machine shop or other metal working shop; manufacture, compounding or treatment of articles or merchandise from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, plastics, precious or semi-precious metals or stones, shell tobacco and wood; manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceutical, toiletries, and food products; manufacture, dyeing and printing of cloth fabrics and wearing apparel; manufacture of musical instruments, toys, novelties and rubber and metal stamps; manufacture of pottery and figurines or other similar products; milk bottling or central distribution stations; mortuaries and morgues; plumbing shops; poultry or rabbit slaughter incidental to a retail business on the same premises; production facility, multimedia; radio transmitting and television stations, provided that towers are of the self-sustaining type without guys; re-plating shop; retail lumber yard including mill and sash work; small board building; soda water and soft drink bottling and distribution plants; tire repair operations including recapping and retreading; utility facilities, minor, and substation up to and including 69kv transmission; warehouse, storage and loft

buildings; wearing apparel manufacturing; wholesale business, storage buildings, non-explosive goods and warehouses.

So far so good, but read on, because all uses in B-1, B-2 and B-3 zones are allowed too.

19.16.010 - Purpose and intent.

A **B-1 neighborhood business district** is one wherein retail businesses or service establishments supply commodities or perform services to meet the daily needs of the neighborhood.

- **19.16.020 - Permitted uses.**

Within the B-1 neighborhood business district, the following uses shall be permitted:

Bakeries; barber or beauty shops; bed and breakfast and short-term rental homes; book, stationery or gift stores; buildings and premises used, owned or operated by government agencies, including community centers; candy stores; day care facilities; delicatessen stores; drug stores, farmer's markets, flower shops, gasoline retailing; grocery stores and meat markets; home occupations; ice cream or snack counters; Laundromats, liquor stores; news and magazine stands; parks and playgrounds, recycling collection centers; redemption centers; religious, benevolent, or philanthropic societies, civil organizations, and quasi-public uses; service business residential service establishments; single-family dwelling; other similar retail businesses or service establishments that provide goods or services primarily for residents of the surrounding neighborhood.

- **19.18.010 - Purpose and intent.**

A **B-2 community business district** is intended to provide all types of goods and services for the community, with the exception of those uses more generally associated with an industrial district, but at a lower intensity of use than in the B-3 central business district.

- **19.18.020 - Permitted uses.**

Within the B-2 community business district, the following uses are permitted:

Amusement and recreational activities; animal hospitals including boarding; auditoriums, theaters, and gymnasiums including fitness centers, private clubs, and dance halls; automobile services; automobile upholstery shops; awning or canvas shops; baseball, football and other sports stadiums or activities; bed and

breakfast homes, in a lawfully existing single-family dwelling; buildings and premises used, owned or operated by government agencies, including community centers; catering establishments; communication equipment antenna or towers; day care facilities; drive-in restaurants; eating and drinking establishments; education, specialized; educational institutions; entertainment establishments; farmers markets; general merchandising; general office; libraries; ice cream and milk manufacturing plants; marinas; multifamily dwellings, duplexes, and bungalow courts; museums; new and used car lots; nursing and convalescent homes; nurseries (flower or plants); parking structures or lots, which may include solar energy facilities that are installed on overhead canopies or structures, and may provide power to other lots; personal and business services; pet shops and boarding facilities; recycling collection center; redemption center; sanitariums; sign painting shops; swap meet or open air market; taxicab, car rental, and U-drive stations and offices; transient vacation rentals; other similar businesses or commercial enterprises or activities that are not detrimental to the welfare of the surrounding area.

- **19.20.010 - Purpose and intent.**

The B-3 central business district permits general business enterprises, particularly financial, governmental, commercial, and professional activities. Its distinguishing feature is the greater height limit permitted in the area. Manufacturing and nuisance industries are excluded from the zone.

- **19.20.020 - Permitted uses.**

Within the B-3 central business district, the following uses shall be permitted:

Same as B-2 but including pet shops.

Respectfully submitted,



President, South Maui Citizens for Responsible Growth