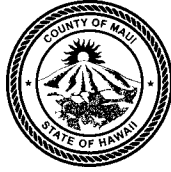


ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



RECEIVED

2012 JUN -1 AM 10:10

COUNTY OF MAUI

DEPARTMENT OF PLANNING

OFFICE OF THE MAYOR

June 1, 2012

OFFICE OF THE
COUNTY COUNCIL

2012 JUN -6 AM 9:20

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Alan Arakawa 6/5/12
Mayor **Date**

For Transmittal to:

Honorable Robert Carroll, Chair
and Members of the Land Use Committee
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Carroll and Members:

**SUBJECT: CHANGE IN ZONING FOR GRAYMARK WAIALE ROAD
ASSOCIATES, LLC (WAILUKU) (CIZ 2006/0014) (LU-37)**

The Department of Planning (Department) has reviewed your letter dated February 9, 2012. In it you ask the Department to "please provide the Land Use Committee with an update on the status of the subject property's use, and the requirement, if any, for a County Special Use Permit pursuant to Condition 2 of the proposed bill."

I apologize for the delay in responding to your request. The uses on the site are the same as they were when the Department sent a letter to the Land Use Committee on June 25, 2010 in response to questions at that time. The uses include a water distribution business and a bail bonds business conducted within a building, and an equipment dealer which has considerable outside storage, likely with related outside operations.

Condition No. 2 of the proposed bill states:

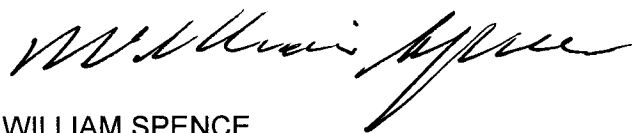
That, in order to meet provisions of the Wailuku-Kahului Community Plan, and to the satisfaction of the Department, uses which are permitted within the M-1 Light Industrial District but which are not permitted within the R-3 Residential District and which are not conducted wholly within a completely 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.

Honorable Alan M. Arakawa, Mayor
For Transmittal to:
Honorable Robert Carroll, Chair
June 1, 2012
Page 2

As mentioned in the June, 2011 letter, the equipment dealer is not a permitted use within the R-3 Residential District. Therefore, unless the Applicant were able to submit adequate information for the Department to verify that it is a legal nonconforming use it would be subject to the County Special Use Permit requirements of the recommended condition. Planning consultants for the Applicant were invited in July 2010 to provide the Department with evidence which would demonstrate that the equipment dealer is a legal nonconforming use on the site. We have inquired similarly of the consultant again. However, as of the writing of this letter the Department has not received such evidence. We will be happy to update the Committee should the Department receive such evidence and determine that the equipment dealer is a legal nonconforming use.

Thank you for your request and your consideration and patience while awaiting the Department's response. Should further clarification be necessary, please contact Current Planning Supervisor Jeffrey Dack at Ext. 6275.

Sincerely,



WILLIAM SPENCE
Planning Director

xc: Michele Chouteau McLean, Deputy Planning Director (PDF)
Clayton I. Yoshida, Planning Program Administrator (PDF)
Aaron H. Shinmoto, Planning Program Administrator (PDF)
Jeffrey P. Dack, Current Planning Supervisor (PDF)

WRS:JPD:rm

Project File
General File

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