

COUNCIL OF THE COUNTY OF MAUI

# PLANNING AND LAND USE COMMITTEE

August 24, 2004

Committee  
Report No.

04-139

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 June 29, 2004, makes reference to County Communication No. 04-95, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3000 (2001) PERTAINING TO THE GRANTING A CONDITIONAL PERMIT TO TO ALLOW FOR THE CONTINUED OPERATION OF A RETAIL GROCERY STORE AND SNACK BAR WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT PUKO'O, MOLOKAI, HAWAII".

Your Committee notes that Ordinance No. 3000 granted a Conditional Permit to operate the Neighborhood Store "N" Counter on 20,045 square feet in Pukoo, Molokai, identified for real property tax purposes as Tax Map Key No.: 5-7-005:por. 004, for ten years, effective November 5, 2001. The purpose of the proposed bill is to amend Ordinance No. 3000 as follows: (1) change the name of the Conditional Permit holder to MIA, Inc.; (2) change the description of the Tax Map Key number for the subject property to (2) 5-7-005: portion of 004; and (3) eliminate the condition prohibiting transferability of the Conditional Permit.

Your Committee notes that the Maui Planning Commission held a public hearing and meeting on the application for a Conditional Permit amendment on January 28, 2004. After reviewing the findings presented in the document entitled "MAUI PLANNING DEPARTMENT'S REPORT AND RECOMMENDATION TO THE MOLOKAI PLANNING COMMISSION JANUARY 28, 2004 MEETING", the Commission voted to recommend approval of the Conditional Permit amendment.

By correspondence dated April 30, 2004, Diane Swenson, Principal Broker, Swenson Real Estate, requested that your Committee consider the proposed bill.

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By correspondence dated May 7, 2004, Samuel and Pauline Castanera, on the applicant's behalf, requested that your Committee consider the proposed bill.

By correspondence dated May 14, 2004, Councilmember Danny A. Mateo requested that your Committee consider the proposed bill.

By correspondence dated May 18, 2004, the Chair of your Committee suggested that the Planning Director consider having the Molokai Planning Commission reconsider the subject application.

By correspondence dated May 24, 2004, the Planning Director notified your Committee of his disagreement with the suggestion that the Molokai Planning Commission reconsider the subject application.

At its meeting, your Committee met with the Planning Director, a Staff Planner from the Department of Planning, and a Deputy Corporation Counsel.

There was no public testimony. The Planning Director provided minutes of the Molokai Planning Commission's meeting of January 28, 2004.

The Staff Planner advised that enactment of the proposed bill would allow a new owner to operate the Neighborhood Store "N" Counter. She also noted that the Molokai Planning Commission had erroneously assumed that the Conditional Permit's standard nontransferability condition would have to be eliminated. The Department of Planning supported reinstatement of the standard nontransferability condition.

Your Committee voted to revise the proposed bill to reinstate the standard nontransferability condition and 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 entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3000 (2001) PERTAINING TO THE GRANTING OF A CONDITIONAL PERMIT TO ALLOW FOR THE CONTINUED OPERATION OF A RETAIL GROCERY STORE AND

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SNACK BAR WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT PUKO'O, MOLOKAI, HAWAII", incorporating your Committee's 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 AMENDING ORDINANCE NO. 3000 (2001) PERTAINING TO THE GRANTING OF A CONDITIONAL PERMIT TO ALLOW FOR THE CONTINUED OPERATION OF A RETAIL GROCERY STORE AND SNACK BAR WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT PUKO'O, MOLOKAI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 04-95 be FILED.

Adoption of this report is respectfully requested.

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**WAYNE K. NISHIKI** **Chair**

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**DANNY A. MATEO** **Member**

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**G. RIKI HOKAMA** **Vice-Chair**

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**MICHAEL J. MOLINA** **Member**

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**ROBERT CARROLL** **Member**

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**JOSEPH PONTANILLA** **Member**

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**JO ANNE JOHNSON** **Member**

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**CHARMAINE TAVARES** **Member**

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**DAIN P. KANE** **Member**