

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

October 19, 2001

Committee
Report No.

01-195

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

Chair and Members:

Your Land Use Committee, having met on September 27, 2001, makes reference to County Communication No. 01-191, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING 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".

The purpose of the proposed bill is to grant a Conditional Permit to Castanera, Inc. for the continued operation of a retail grocery store and snack bar (Neighborhood Store "N" Counter) on approximately 20,045 square feet of land located within the County Agricultural District at Puko`o, Moloka`i (TMK: 5-7-005:por. 004).

Your Committee notes that the Moloka`i Planning Commission held a public hearing and meeting on the Conditional Permit application on April 11, 2001. After reviewing the findings presented in the documents entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MOLOKAI PLANNING COMMISSION APRIL 11, 2001 MEETING", "MAUI PLANNING DEPARTMENT'S RECOMMENDATION TO THE MOLOKAI PLANNING COMMISSION APRIL 11, 2001 MEETING", and "FINDINGS OF FACT, CONCLUSION OF LAW, AND DECISION AND ORDER OF THE MOLOKAI PLANNING COMMISSION", the Commission voted to recommend approval of the request for a Conditional Permit subject to the following conditions:

1. That full compliance with all applicable governmental requirements shall be rendered, including the conditions of the Special Use Permit (90/SUP-008).

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2. That the Conditional Permit shall be valid for a period of ten (10) years from the effective date of the ordinance.
3. That the Conditional Permit shall be nontransferable without the prior written approval of the Maui County Council.

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

1. There is no evidence that the ongoing use will be significantly detrimental to the public interest, convenience, and welfare.
2. The proposed use will be in harmony with the area.

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

Ms. Castanera provided your Committee with a packet of information about the Neighborhood Store "N" Counter (including pictures of the subject property and a menu from the snack bar).

The Staff Planner informed your Committee that the Moloka`i Planning Commission had found that residents in the East End of Moloka`i strongly believe that the grocery store and snack bar provide invaluable services. She noted that, without the Neighborhood Store "N" Counter (which has been in business for about 20 years), East End residents seeking an eating establishment would have to endure a 34-mile roundtrip to Kaunakakai Town.

Your Committee voted to recommend the passage of the proposed bill on first reading and filing of the communication.

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

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Your Land Use Committee RECOMMENDS the following:

1. That Bill No. _____ (2001), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE GRANTING 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" PASS FIRST READING and BE ORDERED TO PRINT; and

2. That County Communication No. 01-191 be FILED.

Adoption of this report is respectfully requested.

lu:cr:0123ba:dmr

