

# LAND USE COMMITTEE

Council of the County of Maui

## MINUTES

August 2, 2006

### Council Chamber

**CONVENE:** 1:32 p.m.

**PRESENT:** Councilmember Joseph Pontanilla, Vice-Chair  
Councilmember Michelle Anderson, Member  
Councilmember Jo Anne Johnson, Member  
Councilmember Dain P. Kane, Member (Arrive 1:33 p.m.)  
Councilmember Michael J. Molina, Member  
Councilmember Charmaine Tavares, Member

**EXCUSED:** Councilmember Robert Carroll, Chair  
Councilmember G. Riki Hokama, Member  
Councilmember Danny A. Mateo, Member

**STAFF:** Tammy M. Frias, Committee Secretary  
Carla M. Nakata, Legislative Attorney

**ADMIN.:** Michael W. Foley, Director, Department of Planning  
Robyn Loudermilk, Planner, Department of Planning  
Michael Miyamoto, Deputy Director, Department of Public Works and Environmental Management  
James A. Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel

**OTHERS:** Lisa Takata, Vice President, The Takata Corporation Inc.

**PRESS:** *Akaku--Maui County Community Television, Inc.*

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VICE-CHAIR PONTANILLA: . . .(*gavel*). . . Good afternoon, Members. The Land Use Committee meeting is now in session. Today is August 2, 2006. . .it's 1:32. Members, we do have one item on the agenda. Before we start, if the Members and the members of the public could turn off their cell phones and pagers so that we don't have any interruption.

**ITEM NO. 48: CONDITIONAL PERMIT AMENDMENT TO ALLOW FOR THE CONTINUED OPERATION OF A RETAIL GROCERY STORE AND SNACK BAR (PUKO'O, MOLOKAI) (C.C. No. 06-54)**

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VICE-CHAIR PONTANILLA: . . .*(cleared throat)*. . . Members, today we have Land Use-48, transfer of a Conditional Permit from MIA, Inc. to The Takata Corporation Inc. for a retail grocery store and snack bar at Pukoo, Molokai.

The Committee is in receipt of the following:

County Communication No. 06-54, from the Planning Director, transmitting a proposed bill to transfer a Conditional Permit for the continued operation of a retail grocery store and a snack bar from MIA, Inc. to The Takata Corporation, dba Mana`e Goods & Grindz, on approximately 20,045 square feet in Pukoo, Molokai (Tax Map Key: (2) 5-7-05:004 (por.)).

Correspondence dated March 14, 2006, from the Department of the Corporation Counsel, transmitting a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3000 (2001), AS AMENDED BY ORDINANCE NO. 3206 (2004), 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". The purpose of the revised proposed bill is to approve the transfer of the Conditional Permit.

This afternoon we do have members of the Administration: Robyn Loudermilk from the Planning. . .Department of Planning as well as James Giroux, Department of Corporation Counsel. Of course, we do have our Analyst here and Secretary here this afternoon.

Members, at this time, I'd like to have the Department give a five-minute presentation.

MS. LOUDERMILK: Good afternoon, Council Members. Excuse me, I just came from a family reunion and I'm saying. . .we're, we're gathered here today. . .*(chuckle)*. . . Excuse me.

COUNCIL MEMBERS: . . .*(chuckle)*. . .

MS. LOUDERMILK: The property that we're talking about is formerly known as The Neighborhood Store "N" Counter that has come before this body one or two times within the past five years. The applicant is Guy Takata, President of. . .and behalf of The Takata Corporation. The land uses are State Agricultural District, it's Community Plan Agricultural, the zoning is Agriculture, and it is located within the Special Management Area.

As indicated earlier, the applicant is requesting amendments to previous ordinances to allow for a change in the permit holder of this Conditional Permit, and basically that any reference to the previous holder or the, the current holder MIA, Inc. be replaced with The Takata Corporation doing business as Mana`e Goods & Grindz, and that all references to The Neighborhood Store "N" Counter be substituted with Mana`e Goods & Grindz.

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The public hearing was held by the Molokai Planning Commission on October 12, 2005. There were two people who testified in support of the request, and the recommendation for approval of this request was unanimous. And that concludes the Department's summary of the application.

VICE-CHAIR PONTANILLA: Thank you, Robyn. Also joining us this afternoon is the Planning Director, Mr. Mike Foley. At this time, the Chair would like to call on the applicant to provide us with some comments in regards to the Conditional Permit.

MS. TAKATA: Good afternoon, Council Members. My name is Lisa Takata and I am the Vice President of The Takata Corporation. We, we are asking that we. . .or we're requesting the transfer of the Conditional Permit from MIA, Inc. to The Takata Corporation.

VICE-CHAIR PONTANILLA: Thank you. Members, the Chair will. . .go forward--as soon as I close public testimony, if there's any--for comments and questions by either the applicant or the Department and questions by the Members. At this time, the Chair would like to call for public testimony.

MS. NAKATA: Mr. Chair, no one has signed up to testify.

VICE-CHAIR PONTANILLA: Thank you. Since no one is signed up for test. . ., to testify and, and no one's in the gallery, except the applicant, if there's no objections, the Chair would like to close public testimony.

COUNCIL MEMBERS: No objections.

VICE-CHAIR PONTANILLA: Thank you very much. Okay. Members, at this time, I'd like to open up the Q&A if Members have any questions in regards to this Conditional Permit. Member Anderson.

COUNCILMEMBER ANDERSON: Thank you, Chair. I would just like confirmation that they have received an extension of their Conditional Use Permit to the year 2011? Is that correct?

VICE-CHAIR PONTANILLA: Department?

MS. LOUDERMILK: The Conditional Permit will run to the year 2011.

COUNCILMEMBER ANDERSON: And is this property owned by. . .the person seeking the permit?

MS. LOUDERMILK: No, they've received authorization from the property owner, which is Moncado and Its Mission.

COUNCILMEMBER ANDERSON: I'm sorry, say that?

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MS. LOUDERMILK: Moncado and Its Mission is the property owner, and they've received authorization from the property owner to . . .obtain these, these permits.

COUNCILMEMBER ANDERSON: And so the property owner is not the current permit holder then?

MS. LOUDERMILK: Correct.

COUNCILMEMBER ANDERSON: And so I'm assuming then that means they have a, a lease that goes to at least 2011?

MS. LOUDERMILK: Yes.

COUNCILMEMBER ANDERSON: Okay. Thank you, Mr. Chair.

VICE-CHAIR PONTANILLA: Thank you, Member Anderson. Members, any more questions? Member Tavares.

COUNCILMEMBER TAVARES: I don't have a question, just a comment. I believe that some Council ago or some term we were out there visiting this place, I think when they were first, when they were coming in for the permit extension, and it's the only thing, a commercial store or snack bar or anything out in that area. And it was. . .when we were there when which, you know, people came in car after car, it was, it was. . .I think it's a good thing to have in this particular area because there is nothing else. I didn't see or observe at the time that there was any traffic problem because of this store. And I see that the, you know, Police Department and others had no objection as far as changing the, the. . .transferring the permit to these new operators. So, I'm in full support of this. Thank you.

VICE-CHAIR PONTANILLA: Thank you. Member Molina.

~~COUNCILMEMBER MOLINA: Thank you, Chairman. For the Planning Department, to your knowledge there's no request for changing hours of operation or anything of that nature?~~

MS. LOUDERMILK: There's been no change at all.

COUNCILMEMBER MOLINA: And they currently operate on a typical Monday through Friday?

MS. LOUDERMILK: Actually, seven days a week--

COUNCILMEMBER MOLINA: Seven. . .oh, seven days--

MS. LOUDERMILK: --seven days a week with, I believe, the snack shop closed one day for general cleaning and that, and that historically has been on a Wednesday.

COUNCILMEMBER MOLINA: Okay. Thank you. Thank you, Chair.

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VICE-CHAIR PONTANILLA: Thank you, Member Molina. Members, any more questions for the Department or the applicant? Member Anderson.

COUNCILMEMBER ANDERSON: Well, I just have to ask 'cause it is a condition. Ms. Loudermilk, do you know how long this has been in operation?

MS. LOUDERMILK: Initially, I believe, in the early 1970s.

COUNCILMEMBER ANDERSON: Oh, wow. And so can you confirm that there's been no violations of the conditions of their State Land Use?

MS. LOUDERMILK: I can confirm, no violations.

COUNCILMEMBER ANDERSON: Okay, thank you. Thank you, Chair.

VICE-CHAIR PONTANILLA: Thank you, Ms. Anderson. Members, any more questions for either the Department or the applicant?

COUNCILMEMBER TAVARES: Your recommendation?

COUNCILMEMBER KANE: Recommendation, Chair?

VICE-CHAIR PONTANILLA: The Chair would like to recommend passage on first reading of the revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3000 (2001), AS AMENDED BY ORDINANCE NO. 3206 (2004), 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", and the filing of County Communication No. 06-81 [*sic*].

COUNCILMEMBER KANE: So moved.

COUNCILMEMBER JOHNSON: Second.

COUNCILMEMBER MOLINA: Second.

VICE-CHAIR PONTANILLA: Okay. Moved by Member Kane, second by Member Johnson. Members, I'd like to entertain a motion to amend Section 2, Line 3 of the revised proposed bill to change the word "to" to the word "not", so that the third sentence of Section 2 would read as follows: "In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring." The amendment will simply address a typo error in the boilerplate language relating to the printing of the bill.

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COUNCILMEMBER KANE: So moved.

COUNCILMEMBER TAVARES: Second. . . .(chuckle). . .

VICE-CHAIR PONTANILLA: . . .(chuckle). . . Moved by Member Kane, second by Member Tavares.  
All in favor of the motion to amend, please say aye.

COUNCIL MEMBERS: Aye.

**VOTE: AYES: Councilmembers Anderson, Johnson, Kane, Molina, Tavares,  
and Vice-Chair Pontanilla.**

**NOES: None.**

**EXC.: Councilmembers Hokama, Mateo, and Chair Carroll.**

**ABSENT: None.**

**ABSTAIN: None.**

**MOTION CARRIED**

**ACTION: APPROVE amendment to the main motion.**

VICE-CHAIR PONTANILLA: Going back to the main motion.

COUNCILMEMBER TAVARES: Mr. Chair.

VICE-CHAIR PONTANILLA: Member Tavares.

COUNCILMEMBER TAVARES: So while we're being picky, what did you say the County  
Communication No. was?

VICE-CHAIR PONTANILLA: 06. . .

COUNCILMEMBER TAVARES: 'Cause I have 06-54 as, as my thing.

VICE-CHAIR PONTANILLA: . . .-81.

COUNCILMEMBER TAVARES: Eighty-one?

VICE-CHAIR PONTANILLA: Yes. Staff?

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MS. NAKATA: Yes, Member Tavares is correct. The County Communication No. is 06-54.

COUNCILMEMBER TAVARES: Okay. So, I'd like to offer that as a friendly amendment to your motion.

VICE-CHAIR PONTANILLA: Thank you. Any objections?

COUNCIL MEMBERS: No objections.

**COUNCIL MEMBERS VOICED NO OBJECTIONS** (excused: RC, RH, DM).

VICE-CHAIR PONTANILLA: Thank you very much. Any more discussion? All in favor of the main motion please say aye.

COUNCIL MEMBERS: Aye.

**VOTE: AYES: Councilmembers Anderson, Johnson, Kane, Molina, Tavares, and Vice-Chair Pontanilla.**

**NOES: None.**

**EXC.: Councilmembers Hokama, Mateo, and Chair Carroll.**

**ABSENT: None.**

**ABSTAIN: None.**

**MOTION CARRIED**

**ACTION: FIRST READING of revised proposed bill and FILING of communication.**

VICE-CHAIR PONTANILLA: Thank you. That's the only item that we have on the agenda this afternoon in these Chambers. But don't forget, we do have a site inspection at Makena at 3:30. This meeting. . .this now stands adjourned. Thank you. . . .(gavel). . .

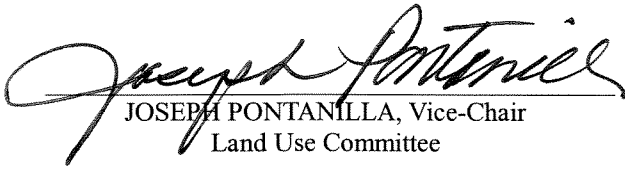
**ADJOURN: 1:45 p.m.**

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APPROVED:



JOSEPH PONTANILLA, Vice-Chair  
Land Use Committee

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Transcribed by: Tammy M. Frias