

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

October 4, 2002

Committee
Report No.

02-136
As Amended

NOTE: The recommendation contained in this committee report was amended by the Council at its meeting on October 4, 2002, by adding the underscored material. This committee report was then adopted as amended.

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 16, 2002, makes reference to County Communication No. 02-163, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING JOY M. KUROSAWA, DBA STUDIO 106 HAIR SALON, A CONDITIONAL PERMIT TO OPERATE THE STUDIO 106 HAIR SALON WITHIN THE RU-1 RURAL DISTRICT, FOR PROPERTY SITUATED AT 106 HAPAPA ROAD, KULA, MAUI, HAWAII".

The purpose of the proposed bill is to grant a Conditional Permit to Joy M. Kurosawa, dba Studio 106 Hair Salon, to operate a hair salon on approximately two acres of land located at 106 Hapapa Road, Kula, Maui (TMK: 2-3-038:035).

Your Committee notes that the Maui Planning Commission held a public hearing and meeting on the Conditional Permit application on July 23, 2002. After reviewing the findings presented in the documents entitled "MAUI PLANNING DEPARTMENT'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION JULY 23, 2002 MEETING" and "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION JULY 23, 2002 MEETING", the Commission voted to recommend approval of the request for a County Conditional Permit subject to the following conditions:

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1. That full compliance with all applicable governmental requirements shall be rendered.
2. That the Conditional Permit shall be valid for a period of three (3) years from the effective date of this ordinance; provided, that an extension of this Permit beyond this three-year period may be granted pursuant to Section 19.40.090, Maui County Code.
3. That the Conditional Permit shall be nontransferable.
4. That Joy M. Kurosawa, dba Studio 106 Hair Salon, her successors and permitted assigns, shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at her own cost and expense, and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui as a named additional insured, insuring and defending Joy M. Kurosawa, dba Studio 106 Hair Salon, and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this Permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Joy M. Kurosawa, dba Studio 106 Hair Salon, of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of this Permit. A copy of the certificate of insurance naming County of Maui as a named additional insured shall be submitted to the Department within ninety (90) calendar days from the date of approval of this Conditional Permit.
5. That Joy M. Kurosawa, dba Studio 106 Hair Salon, shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the

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revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.

6. That Joy M. Kurosawa, dba Studio 106 Hair Salon, shall obtain a Certificate of Compliance for the hair salon from the Department of Planning within ninety (90) calendar days of approval of the Conditional Permit. Said Certificate of Compliance shall be issued upon compliance with the conditions of approval and applicable County codes.

Your Committee further notes that the recommendation of the Maui 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 Planning Director; a Staff Planner from the Department of Planning; the First Deputy Corporation Counsel; and Michele Chouteau of Chouteau Consulting, representing Joy M. Kurosawa, dba Studio 106 Hair Salon.

Your Committee received testimony in support of the proposed bill from Keokea resident Fred Peterson. He stated that the ability to obtain personal-grooming services at the hair salon provides great benefits to elderly and other Upcountry residents who may have difficulty in regularly traveling to other parts of Maui for those services.

Ms. Chouteau provided your Committee with a computer-generated slide show on the application. The presentation noted that the hair salon is open by appointment only, serving three to four clients per day, and that the impacts on the surrounding neighborhood are minimal. Ms. Chouteau noted that there is no community opposition to the hair salon's operations.

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At Ms. Chouteau's request, your Committee voted to revise the proposed bill's sixth condition to extend the deadline for obtaining a Certificate of Compliance to 180 days.

Your Committee voted to recommend that the proposed bill, as revised, be passed on first reading and that County Communication No. 02-163 be filed.

Your Committee is in receipt of a revised proposed bill, incorporating your Committee's revision.

Your Land Use Committee RECOMMENDS the following:

1. That Bill No. _____ (2002), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE GRANTING JOY M. KUROSAWA, DBA STUDIO 106 HAIR SALON, A CONDITIONAL PERMIT TO OPERATE THE STUDIO 106 HAIR SALON WITHIN THE RU-1 RURAL DISTRICT, FOR PROPERTY SITUATED AT 106 HAPAPA ROAD, KULA, MAUI, HAWAII", PASS FIRST READING and BE ORDERED TO PRINT; and
2. That County Communication No. 02-163 be FILED.

Adoption of this report is respectfully requested.

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ALAN M. ARAKAWA **Chair**

DANNY A. MATEO **Member**

ROBERT CARROLL **Member**

MICHAEL J. MOLINA **Member**

G. RIKI HOKAMA **Member**

WAYNE K. NISHIKI **Member**

JO ANNE JOHNSON **Member**

CHARMAINE TAVARES **Member**

DAIN P. KANE **Member**