

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

June 18, 2010

Committee
Report No. _____

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

Chair and Members:

Your Land Use Committee, having met on June 2, 2010, makes reference to County Communication No. 09-341, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING NAPILI KAI, LTD. A CONDITIONAL PERMIT IN ORDER TO CONVERT THE FIRST FLOOR OF THE GENERAL MANAGER'S SINGLE FAMILY RESIDENCE INTO AN OFF-SITE ADMINISTRATIVE OFFICE FOR THE NAPILI KAI BEACH RESORT CONDOMINIUM COMPLEX WITHIN THE COUNTY R-2 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT NAPILI, MAUI, HAWAII". The purpose of the proposed bill is to grant a request from Napili Kai, Ltd., for a Conditional Permit to convert the first floor of the general manager's single-family residence, located at 5464 Lower Honoapiilani Road, Lahaina, Maui, Hawaii (TMK: (2) 4-3-02:066), into an administrative office for the Napili Kai Beach Resort.

Your Committee received a revised proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING NAPILI KAI, LTD. A CONDITIONAL PERMIT IN ORDER TO CONVERT THE FIRST FLOOR OF THE GENERAL MANAGER'S SINGLE-FAMILY RESIDENCE INTO AN OFF-SITE ADMINISTRATIVE OFFICE FOR THE NAPILI KAI BEACH RESORT CONDOMINIUM COMPLEX WITHIN THE COUNTY R-2 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT 5464 LOWER HONOAPIILANI ROAD, LAHAINA, MAUI, HAWAII", approved as to form and legality by the Department of the Corporation Counsel, incorporating the property address and nonsubstantive revisions.

Your Committee notes that the administrative office is not a permitted use in the County R-2 Residential District, requiring Napili Kai, Ltd. to obtain a Conditional Permit. According to Kimberly Skog, Planner, Munekiyo & Hiraga, Inc., the Napili Kai Beach Resort's administrative staff has outgrown the existing office space at the condominium complex and, if the proposed use is granted, seven staff members would relocate to the general manager's residence across the street. Normal business hours for such staff are 8:00 a.m. to 5:00 p.m., Monday through Friday, and adequate parking would be provided on-site.

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Your Committee further notes that the proposed use is in harmony with the surrounding residential and hotel condo land uses, and would not be significantly detrimental to the public interest, convenience, and welfare.

Your Committee voted 8-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Baisa, Vice-Chair Molina, and members Johnson, Mateo, Medeiros, Nishiki, Pontanilla, and Victorino voted "aye". Committee member Kaho`ohalahala was excused.

Your Land Use Committee RECOMMENDS the following:

1. That Bill No. _____ (2010), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE GRANTING NAPILI KAI, LTD. A CONDITIONAL PERMIT IN ORDER TO CONVERT THE FIRST FLOOR OF THE GENERAL MANAGER'S SINGLE-FAMILY RESIDENCE INTO AN OFF-SITE ADMINISTRATIVE OFFICE FOR THE NAPILI KAI BEACH RESORT CONDOMINIUM COMPLEX WITHIN THE COUNTY R-2 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT 5464 LOWER HONOAPIILANI ROAD, LAHAINA, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 09-341 be FILED.

This report is submitted in accordance with Rule 7 of the Rules of the Council.



GLADYS C. BAISA, Chair

ORDINANCE NO. _____

BILL NO. _____ (2010)

A BILL FOR AN ORDINANCE GRANTING NAPILI KAI, LTD.
A CONDITIONAL PERMIT IN ORDER TO CONVERT THE FIRST FLOOR
OF THE GENERAL MANAGER'S SINGLE-FAMILY RESIDENCE INTO AN
OFF-SITE ADMINISTRATIVE OFFICE FOR THE NAPILI KAI BEACH
RESORT CONDOMINIUM COMPLEX WITHIN THE COUNTY R-2
RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT 5464 LOWER
HONOAPIILANI ROAD, LAHAINA, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, and subject to the conditions imposed in Section 2 of this ordinance, a Conditional Permit is hereby granted to Napili Kai, Ltd. in order to convert the first floor of the general manager's single-family residence into an off-site administrative office for the Napili Kai Beach Resort condominium complex within the County R-2 Residential District. The site is identified for real property tax purposes by Tax Map Key Number: (2) 4-3-002:066, situated at 5464 Lower Honoapiilani Road, Lahaina, Maui, Hawaii.

SECTION 2. The granting of this Conditional Permit is subject to the following conditions:

1. That full compliance with all applicable governmental requirements shall be rendered in a timely mode, inclusive of all County fees and assessments.
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 Conditional 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, unless the Council approves the transfer by ordinance.
4. That Napili Kai, Ltd., its 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 its 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) naming the County of Maui as an additional insured, insuring and defending Napili Kai, Ltd. and County of Maui against any and all claims or demands for property damage, personal

injury, and/or death arising out of this Conditional 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 Napili Kai, Ltd. 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 Conditional Permit. A copy of the certificate of insurance naming County of Maui as an additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the effective date of this ordinance.

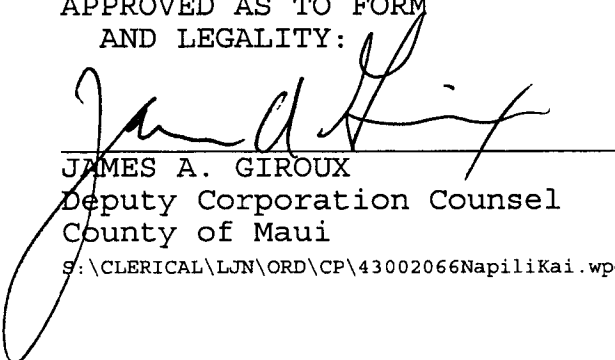
5. That Napili Kai, Ltd. shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.

PROJECT SPECIFIC CONDITIONS:

6. That Napili Kai, Ltd. shall design and install road frontage landscaping for the subject property, located at 5464 Lower Honoapiilani Road, to be consistent with Napili Kai Beach Resort road frontage landscaping, thereby enhancing the residential character of the property. If the chain link fence along Lower Honoapiilani Road is to remain, landscaping should be used to screen the fence from public view. All landscaping must meet the Department of Public Works' safety requirements for pedestrian and vehicular traffic.
7. That Napili Kai, Ltd. shall install rain gutters and direct downspouts on the subject property to drain to the rear yard grassed water collection area.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

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