

ORDINANCE NO. _____

BILL NO. 78 (2017)

A BILL FOR AN ORDINANCE GRANTING KAOHU LLC, A DOMESTIC LIMITED LIABILITY COMPANY, A CONDITIONAL PERMIT TO ALLOW BUSINESS/OFFICE USE IN A RESIDENTIAL HOME LOCATED IN THE R-2, RESIDENTIAL ZONING DISTRICT ON APPROXIMATELY 3,600 SQUARE FEET OF LAND LOCATED AT 293 WAIALE ROAD, WAILUKU, 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 Kaohu LLC, a Domestic Limited Liability Company, to allow business/office use in a residential home located in the R-2, Residential Zoning District. The site is identified for real property tax purposes as tax map key (2) 3-4-009:036, comprising approximately 3,600 square feet of land situated at Wailuku, Maui, Hawaii.

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

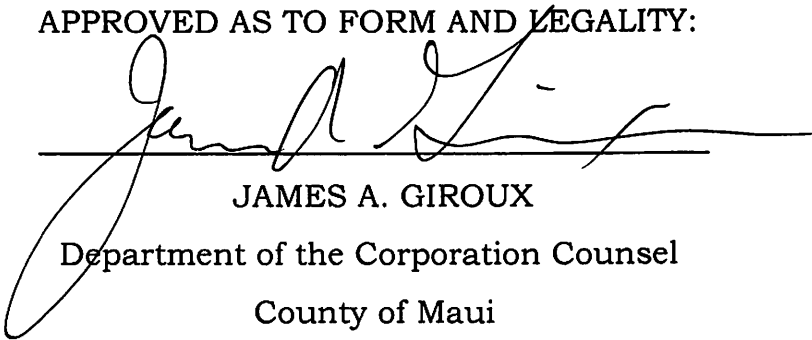
1. That the Conditional Permit shall be valid for a period of ten (10) years from the effective date of this ordinance; provided, that an extension of this permit beyond this ten (10) year period may be granted pursuant to Section 19.40.090, Maui County Code.
2. That the Conditional Permit shall be nontransferable unless approved by the Planning Director or Maui Planning Commission.
3. That Kaohu LLC and 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 his/her/their 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 Kaohu LLC 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 Kaohu LLC of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance 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 date of approval of this Conditional Permit. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable TMK and permit numbers.

4. That Kaohu LLC 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.
5. That full compliance with all applicable governmental requirements shall be rendered.

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

APPROVED AS TO FORM AND LEGALITY:



A handwritten signature in black ink, appearing to read 'James A. Giroux', is written over a horizontal line. The signature is fluid and cursive.

JAMES A. GIROUX

Department of the Corporation Counsel

County of Maui

2017-0455

DIGEST

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BILL NO. 78 (2017)

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This bill proposes to grant Kaohu LLC, a ten-year Conditional Permit to allow business/office use in a residential home located in the R-2, Residential Zoning District, for property situated at 293 Waiale Road, Wailuku, Hawaii, and identified as Tax Map Key No. (2) 3-4-009:036, comprised of approximately 3,600 square feet.

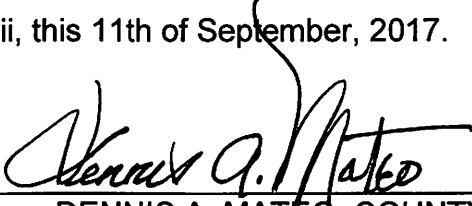
I, DENNIS A. MATEO, County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 78 (2017) was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 8th day of September 2017, by the following vote:

AYES: Councilmembers Alika Atay, Eleanora Cochran, S. Stacy Crivello, Donald S. Guzman, Kelly T. King, Yuki Lei K. Sugimura, Vice-Chair Robert Carroll, and Chair Michael B. White.

NOES: None.

EXCUSED: Councilmember G. Riki Hokama.

DATED at Wailuku, Maui, Hawaii, this 11th of September, 2017.



DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk, County of Maui, for use and examination by the public.