

ORDINANCE NO. _____

BILL NO. 90 (2017)

A BILL FOR AN ORDINANCE TO TRANSFER A CONDITIONAL PERMIT FROM SOUTH MAUI BUSINESS PARK PARTNERS TO WAILEA GOLF LLC FOR THE CONTINUED OPERATION OF A PARKING LOT WITHIN THE A-2 APARTMENT DISTRICT ON PROPERTY IDENTIFIED AS TAX MAP KEY NUMBER (2) 2-1-008:141, WAILEA, KIHEI, MAUI, HAWAII

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

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, the Conditional Permit granted by Ordinance No. 2829 (2000), is transferred from South Maui Business Park Partners to Wailea Golf LLC, subject to the conditions imposed in Section 2 of this ordinance, for the continued operation of a parking lot within the A-2 Apartment District. The site is identified for real property tax purposes as tax map key number (2) 2-1-008:141, comprising approximately 24,066 square feet of land situated at 0 Wailea Ike Place, Kihei, Maui, Hawaii.

Wailea Golf LLC timely applied for an extension and transfer of the Conditional Permit granted by Ordinance 2829 (2000) on November 24, 2009.

SECTION 2. The conditions imposed in Ordinance No. 2829 (2000) are amended to read as follows:

- “1. That full compliance with all applicable governmental requirements shall be rendered[.] in a timely manner.
2. That the Conditional Permit shall be valid for a period of ten years from the effective date of [this ordinance;] Ordinance 2829; provided that, an extension of this [permit] Conditional Permit beyond the ten year period may be granted pursuant to Section 19.40.090 of the Maui County Code.

3. That the Conditional Permit shall be [nontransferable without prior written approval of the Maui County Council.] transferable by the Planning Director following the provisions of Section 19.40.080(D), Maui County Code.
4. That [the applicant, its successors and permitted assigns] Wailea Golf LLC shall exercise reasonable due care as to third parties with respect to all areas affected by this 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 (\$1,000,000.00)] \$1,000,000.00, naming the County of Maui as an additional [named] insured, insuring and defending [the applicant] Wailea Golf LLC and the County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this [permit] 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 [the applicant] Wailea Golf 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] nonobservance or nonperformance of any of the terms and conditions of this [permit.] Conditional Permit. A copy of a [policy] certificate of insurance naming County of Maui as an additional [named] insured shall be submitted to the Department of Planning within [ninety (90)] 90 calendar days from the effective date of [transmittal of the decision and order.] this ordinance. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department of Planning and shall include the applicable tax map key and permit numbers.
5. That the parking lot shall be developed in accordance with the standards of Chapter [19.36,] 19.36A, Offstreet Parking and Loading.
6. That lighting for the parking lot shall be appropriately shielded to diminish glare and lighting impacts on the adjacent residential parcels. Further, the lighting standard shall be 12-14 feet as noted by [the applicant.] Wailea Golf LLC.

7. That Wailea Golf LLC shall apply for an extension of the Conditional Permit pursuant to Section 19.40.090, Maui County Code. The application shall be submitted to the Department of Planning by February 1, 2018."

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

APPROVED AS TO FORM AND LEGALITY:



MICHAEL HOPPER
Department of the Corporation Counsel

lu:misc:044abill01

DIGEST

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This bill proposes to grant a request to transfer the Conditional Permit granted by Ordinance 2829 (2000) from South Maui Business Park Partners to Wailea Golf LLC, to allow for the continued operation of a parking lot on approximately 24,066 square feet of land in Wailea, Maui, Hawaii, within the A-2 Apartment District, identified for real property tax purposes as Tax Map Key No. (2) 2-1-008:141.

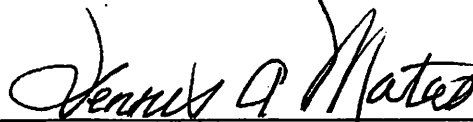
I, DENNIS A. MATEO, County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 90 (2017) was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 20th day of October, 2017, by the following vote:

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

NOES: None.

EXCUSED: Chair Michael B. White.

DATED at Wailuku, Maui, Hawaii, this 23rd of October, 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.