ORDINANCE NO. _____

BILL NO. 131 (2025)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING) FOR 14,467 SQUARE FEET AT 1448 FRONT STREET, LAHAINA, HAWAIʻI, TAX MAP KEY (2) 4-5-013:012

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

SECTION 1. On August 4, 2023, the Maui County Council adopted Resolution 23-192, entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL RELATING TO A CONDITIONAL CHANGE IN ZONING FOR APPROXIMATELY 14,467 SQUARE FEET LOCATED AT LĀHAINĀ, MAUI, HAWAIʻI, TAX MAP KEY (4) 5-0-130:120." Section 8-8.6(2), Revised Charter of the County of Maui (1983), as amended, provides a 120 day period after receipt of the referral within which the planning commission must make its report. The Maui Planning Commission did not report to the Council within that timeframe. On July 8, 2025, the Maui Planning Commission reviewed the proposed bill attached to Resolution 23-192 and recommended approval of the Change in Zoning without conditions. Under the Charter, the Council may pass the revision without the planning commission's report by an affirmative vote of at least two thirds of the Council's membership.

This Ordinance's purpose is to approve the original Condition of Zoning for the property proposed in Resolution 23-192 at 1448 Front Street, Lahaina,

Hawai'i. This Ordinance also updates the property's tax map key, description, and map.

SECTION 2. Under Chapters 19.18 and 19.510, Maui County Code, a Change in Zoning from R-1 Residential District to B-2 Community Business District is granted for real property in Lahaina, Hawai'i, identified for Real Property Tax purposes as Tax Map Key (2) 4-5-013:012, comprising 14,467 square feet, as described in Exhibit "A" and depicted in Exhibit "B," subject to the condition established in Exhibit "C."

SECTION 3. Under Section 19.510.050, Maui County Code, the zoning granted by this Ordinance is subject to the Unilateral Agreement and Declaration for Conditional Zoning in Exhibit "D," which must be recorded with the Bureau of Conveyances or Land Court of the State of Hawai'i.

SECTION 4. This Ordinance takes effect on approval.

paf:jpp:25-257a

INTRODUCED BY:

Tamara A. M. Paltin

TAMARA PALTIN

EXHIBIT "A"

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 6777, Land Commission Award Number 5483, Apana 2 to J. Kaeo known as Coconuts Lands) situate, lying and being on the East side of Front Street and the West side of Honoapiilani Highway F.A.P. No.F-030-1 (1) at Wahikuli, Mala, Lahaina, Island and County of Maui, State of Hawaii, being LOT 2-A of the "MALA TRACT", also being all of Lots 1 and 2 of Mala Tract, and thus bounded and described as per survey prepared by Warren S. Unemori, Land Surveyor dated January 4, 1987, revised June 9, 1987:

Beginning at a point at the Southwest corner of this lot, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 1,296.60 feet South and 5,795.33 feet West and running by azimuths measured clockwise from true South:

1.	173°	34'	30"	134.51	feet along the East side of Front Street to a point;
2.	264°	20'		101.72	feet along the remainder of R.P. 6777, L.C. Aw. 5483 Apana 2 to J.Kaeo to a point;
3.	344°	20'		51.60	feet along the West side of Honoapiilani Highway F.A.P. No. F-030-I (I) to a point;
4.	353°	34'	30"	81.54	feet along Lots 47 and 46 of Kapunakea Subdivision No. 2, File Plan 571, to a point;
5.	83°	13'		110.00	feet along Lot 3 of Mala Tract to the point of beginning and containing an area of 14,467 square feet, more or less.

Being all of the property conveyed by the following:

Warranty Deed

Grantor:	Sion Vojdani
Grantee:	Knossos 1450 Front, LLC, a Hawaii limited liability company
Dated:	February 21, 2023
Recording Date:	February 24, 2023
Recording No:	A-84550071

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature in favor of the State of Hawaii.

2. Setback (9.50 feet wide) for roadway purposes along Front Street, as shown on final subdivision map (D.L.U.C. File No. 4.536 and D.W.S. DS No. 87-24 approved by the County of Maui on July 29, 1987

3. Restricted vehicle access rights along the East boundary of said land, being also the West side of Honoapiilani Highway, as disclosed on map shown in Liber 4729 Page 547.

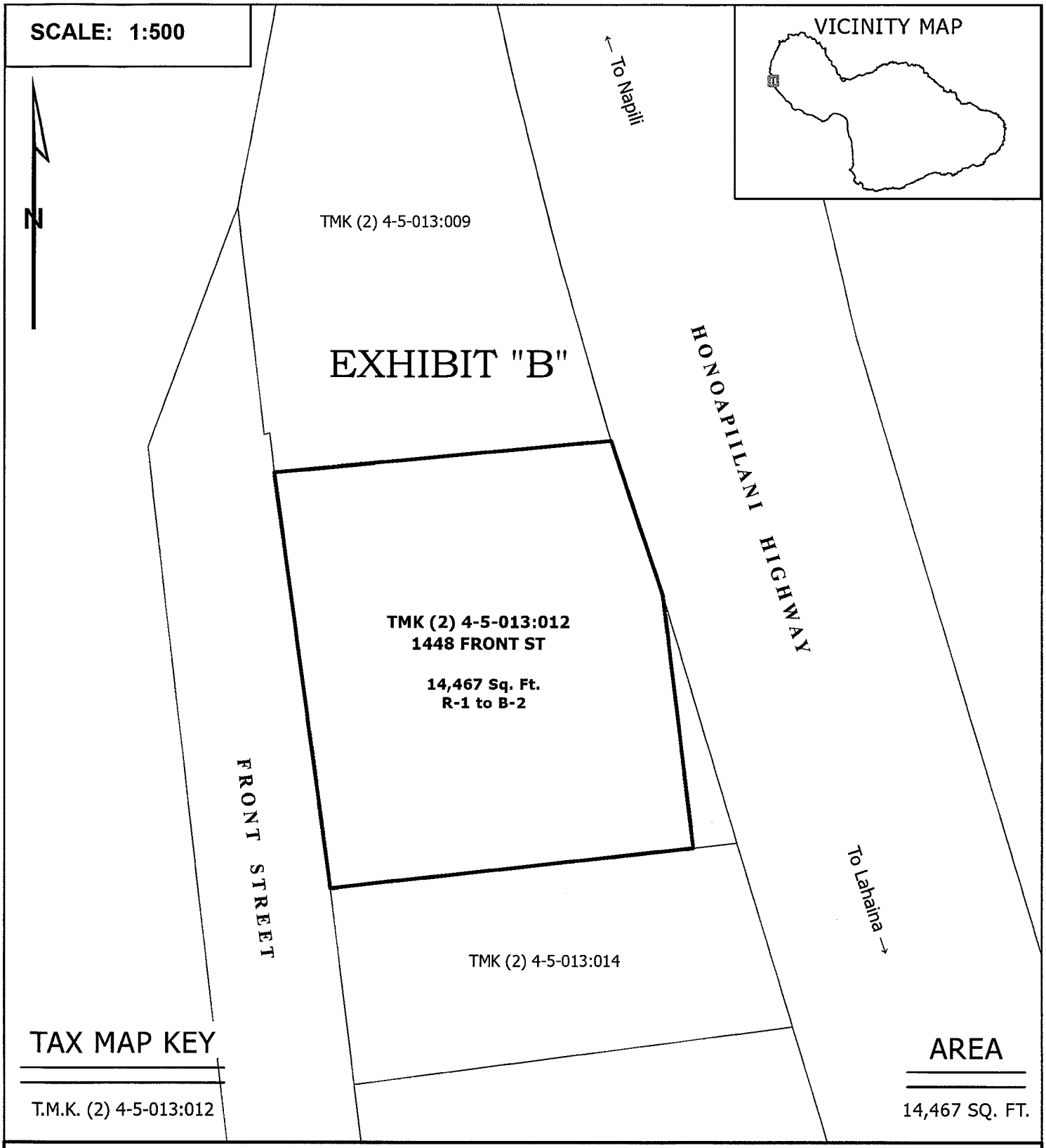
4. Any unrecorded leases, subleases, and/or tenancy agreements, including any encumbrances affecting the same, all of which have been purposely omitted herefrom.

5. Any facts, rights, interests, or claims which may exist or arise by reason of the following facts disclosed by survey, dated October 28, 2022 prepared by Randall Sherman, Licensed Professional Land Surveyor, Certificate No. 4187;

   a. An encroachment (approx. 13.7' x 6.9' = approx. 94 square feet) comprised of a garbage enclosure seemingly appurtenant to an adjoiner (TMK: (2) 4-5-013:009) onto the subject property was noted.

   b. An encroachment (approx. 110.0' x 0.9' = approx. 65 square feet) comprised of a CMU wall w/ vinyl fence seemingly appurtenant to an adjoiner (Lot B of the Garcia Consolidation, TMK: (2) 4-5-013:014) onto the subject property was noted.

   NOTE: There is hereby omitted from any covenants, conditions and reservations contained herein any covenant or restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. Lawful restrictions under state or federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.



LAND ZONING MAP NO. L-873

CHANGE IN ZONING - LAHAINA, MAUI, HAWAII
FROM R-1 RESIDENTIAL TO B-2 COMMUNITY BUSINESS DISTRICT

EXHIBIT "C"

CONDITION OF ZONING

1. The only permitted uses are parking structures or lots, which may include solar energy facilities that are installed on overhead canopies or structures and may provide power to other lots.

paf:jpp:25-257b

EXHIBIT "D"

LAND COURT SYSTEM REGULAR SYSTEM

Return By Mail ( ) Pickup ( ) To:

Office of the County Clerk
County of Maui
200 South High Street
Wailuku, Hawai'i 96793

Total Number of Pages: ____
(Including exhibits, notary certification pages, and all other components)

Affects Tax Map Key (Maui) (2) 4-5-013:012

UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

THIS INDENTURE, referred to as "***Declaration***" or "***Unilateral Agreement***," is made on _____, 20__, by the following "Declarant," who is the owner of real property located at 1448 Front Street, Lahaina, Hawaii 96761, referred to as "***the Property***," comprised of 14,467 square feet, and identified for real property tax purposes as tax map key (2) 4-5-013:012.

The Declarant is KNOSSOS 1450 FRONT, LLC, whose principal address is at 2248 Sunstates Court #101, Virginia Beach, Virginia 23451, and whose authorized contact person is its Manager, Alexa Caskey, and any of their successors.

WITNESSETH:

WHEREAS, the Council is considering the establishment of zoning for the Property, described in Exhibit "1" and depicted in Exhibit "2"; and

WHEREAS, the Declarant has agreed to execute this Unilateral Agreement in accordance with Section 19.510.050, Maui County Code;

NOW, THEREFORE, the Declarant makes the following Declaration:

1. In accordance with Maui County Code. That this Declaration is made in accordance with the provisions of Section 19.510.050, Maui County Code, relating to Conditional Zoning;

2. Binding until Maui County written release. That until written release by the County of Maui, (a) the Property, and all its parts, are held subject to this Declaration's covenants, conditions, and restrictions, which are effective as to and run with the Property, from and after the recording of this Declaration with the Bureau of Conveyances or the Land Court of the State of Hawaii, without the execution, delivery, or recordation of any further deed, instrument, document, agreement, declaration, covenant, or the like with respect to the Property by the Declarant, the County of Maui, or any successor or assign; (b) the acquisition of any right, title, or interest in or with respect to the Property by any person or entity constitutes acceptance of all of the covenants, conditions, and restrictions of this Declaration by the person or entity; and (c) upon any transfer of any right, title, or interest in or with respect to the Property, the transferee assumes, is bound by, and is obligated to observe and perform all of the covenants, conditions, and restrictions of this Declaration;

3. Running with the land. That this Declaration and all of its covenants, conditions, and restrictions contained are effective as to and run with the land in perpetuity, or until the Declarant notifies the County Department of Planning that any of the covenants, conditions, and restrictions are satisfied by the Declarant, and the Department verifies the satisfaction and provides a written release of the covenant, condition, or restriction;

4. KNOSSOS 1450 FRONT, LLC as Declarant. That the term "Declarant" and any pronoun in reference to it, wherever used in this Declaration, means the singular or the plural, the masculine or the feminine, or the neuter, and vice versa, and includes any corporation or any other entity, and means and includes KNOSSOS 1450 FRONT, LLC as Declarant and the Declarant's successors and assigns;

5. Effective as of date Conditional Zoning ordinance approved. That this Declaration is fully effective on the effective date of the Conditional Zoning ordinance approving the establishment of a Change in Zoning from the R-1 Residential District to the B-2 Community Business District for the Property;

6. Develop consistent with Conditional Zoning conditions. That the Declarant agrees to develop the Property in conformance with the condition stated in Exhibit "3" and in the Conditional Zoning ordinance;

7. Conditions reasonable and rationally related to public health, safety, and welfare. That the conditions imposed are reasonable and rationally related to the objective of preserving the public health, safety, and general welfare and fulfill the need for the public service demands created by the Property's proposed use;

8. Conditions enforceable by County of Maui. AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that until released in writing by the County of Maui, the conditions imposed in this Declaration run with the land identified in this Declaration and bind and constitute notice to all subsequent owners, lessees, grantees, assignees, mortgagees, lienors, and any other persons who claim an interest in the Property. The Declarant further understands and agrees that the County of Maui has the right to enforce this Declaration by appropriate action at law or suit in equity against all such persons, with the understanding the Declarant or its successors and assigns may at any time file a petition with the County Department of Planning for the removal of the conditions and termination of this Unilateral Agreement, which will be processed in the same manner as petitions for Change in Zoning.

This Declaration may be executed in counterparts, each of which will be deemed to be an original, but all of which, taken together, constitute one and the same Declaration.

Any persons signing this Unilateral Agreement represent that they are duly authorized and have legal capacity to execute and deliver this Unilateral Agreement. Each party represents to the other that the execution and delivery of this Unilateral Agreement and the performance of the party's obligations have been duly authorized and that this Unilateral Agreement is a valid and legal agreement binding on the party and enforceable in accordance with its terms.

IN WITNESS WHEREOF, the undersigned has executed this Declaration on the day and year indicated on the following notary public certification pages.

DECLARANT:

KNOSSOS 1450 FRONT, LLC

By: _____
Alexa Caskey
Its Manager

Approved as to Form and Legality:

By: _____
Print name:_____
Department of the Corporation Counsel
County of Maui

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this ____ day of _____, before me personally appeared _____, to me personally known, who being by me duly sworn, did say that he/she is the _____, and that said instrument was signed on behalf of _____, and _____, as its _____, acknowledged said instrument to be the free act and deed of _____.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

| Stamp or Seal |

_____
Notary Public, State of _____

Print Name:_____

My Commission Expires:_____

NOTARY PUBLIC CERTIFICATION

Doc Date: _____ # Pages: _____

Notary Name: _____ Judicial Circuit: _____

Document Description: _____

_____

_____

Notary Signature: _____

Date: _____

paf:jpp:25-257c

EXHIBIT "1"

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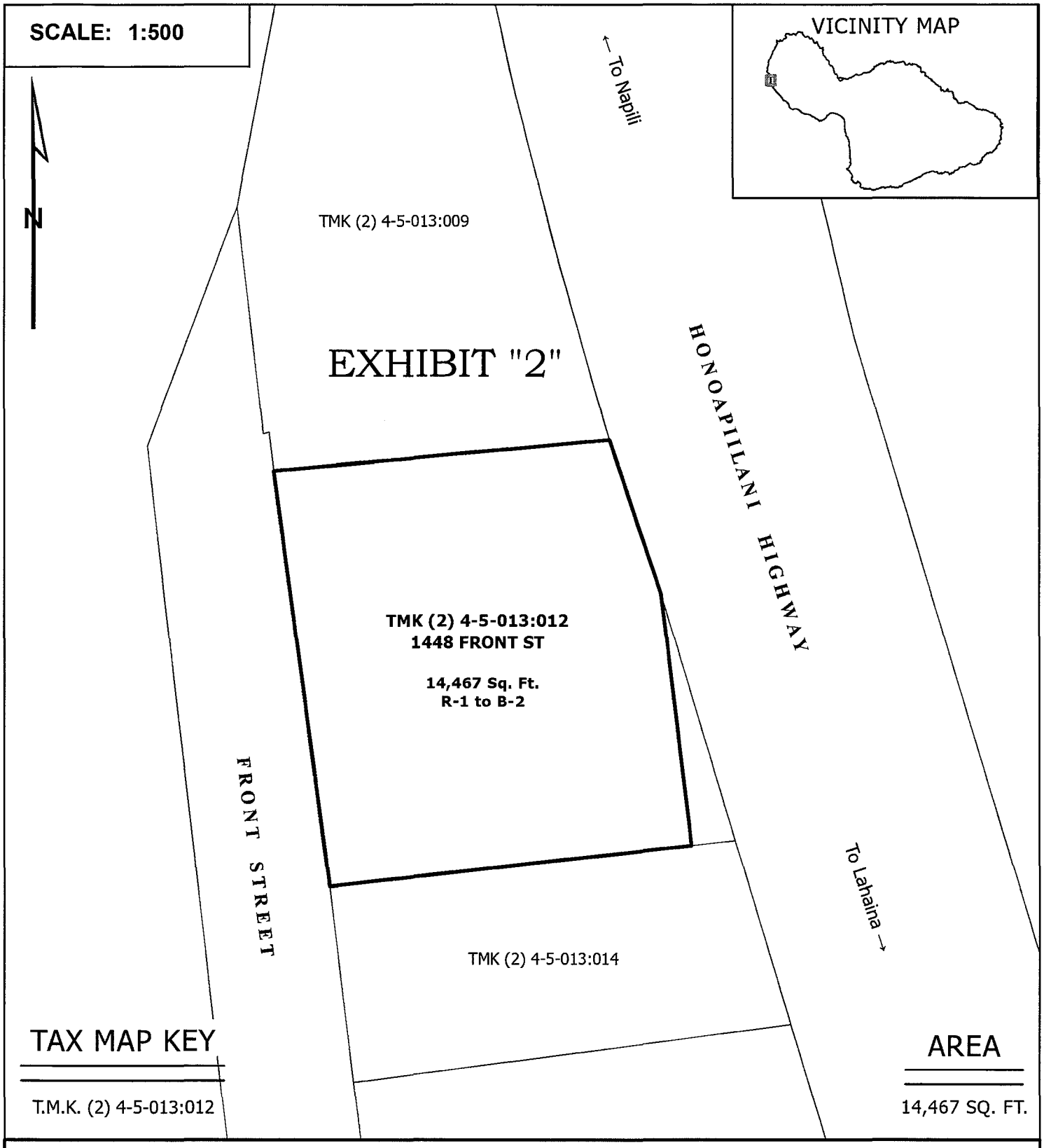

LAND ZONING MAP NO. L-873

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FROM R-1 RESIDENTIAL TO B-2 COMMUNITY BUSINESS DISTRICT

EXHIBIT "3"

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paf:jpp:25-257d