

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

February 17, 2017

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 February 1, 2017, makes reference to County Communication 16-247, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING AAAAA RENT-A-SPACE – MAUI, A LIMITED PARTNERSHIP A CONDITIONAL PERMIT TO ALLOW THE DEVELOPMENT OF A 29,900 SQUARE FOOT PAVED PARKING LOT FOR OFF-STREET STALLS AND PLACEMENT OF TEMPORARY PORTABLE SELF-STORAGE PODS, SMALL BOATS, AND VEHICLES WITHIN THE COUNTY R-3 RESIDENTIAL DISTRICT, FOR PROPERTY SITUATED AT 3560 LOWER HONOAPIILANI ROAD, LAHAINA, MAUI, HAWAII," and other related documents.

The purpose of the proposed bill is to grant a request from AAAAA Rent-A-Space - Maui for a ten-year Conditional Permit for the establishment and operation of a paved parking lot for off-street parking stalls, portable self-storage pods, small boats, and vehicles on 0.9 acres of land at 3560 Lower Honoapiilani Road in Lahaina, Maui, Hawaii.

Your Committee notes that the Council's Land Use Committee (2015-2017 Council term) met on November 30, 2016.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed bill, entitled "A BILL FOR AN ORDINANCE GRANTING AAAAA RENT-A-SPACE – MAUI, A LIMITED PARTNERSHIP, A CONDITIONAL PERMIT TO ALLOW THE DEVELOPMENT OF A 29,900 SQUARE FOOT PAVED PARKING LOT FOR OFF-STREET STALLS AND PLACEMENT OF TEMPORARY PORTABLE SELF-STORAGE PODS, SMALL BOATS, AND VEHICLES WITHIN THE COUNTY R-3 RESIDENTIAL DISTRICT, FOR PROPERTY SITUATED AT 3560 LOWER HONOAPIILANI ROAD, LAHAINA, MAUI, HAWAII," approved as to form and legality, incorporating nonsubstantive revisions.

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Your Committee noted that the request is located on land owned by the Hawaii Housing Finance and Development Corporation, which is offering a 55-year lease to AAAAA Rent-A-Space. The Department of Planning informed your Committee that when a Request for Proposals was published for use of the subject property by HHFDC, AAAAA Rent-A-Space was the only proposal they received.

The applicant's representative, Jordan Hart of Chris Hart and Partners, Inc., stated that the neighborhood has a lack of parking for adjacent apartments and condominiums. Accordingly, the proposal will create additional parking that could be leased by neighboring residents.

Your Committee voted 6-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Carroll and members Atay, Crivello, Guzman, King, and Sugimura voted "aye." Vice-Chair Hokama and members Cochran and White were excused.

Your Land Use Committee RECOMMENDS the following:

1. That Bill _____ (2017), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE GRANTING AAAAA RENT-A-SPACE – MAUI, A LIMITED PARTNERSHIP, A CONDITIONAL PERMIT TO ALLOW THE DEVELOPMENT OF A 29,900 SQUARE FOOT PAVED PARKING LOT FOR OFF-STREET STALLS AND PLACEMENT OF TEMPORARY PORTABLE SELF-STORAGE PODS, SMALL BOATS, AND VEHICLES WITHIN THE COUNTY R-3 RESIDENTIAL DISTRICT, FOR PROPERTY SITUATED AT 3560 LOWER HONOAPIILANI ROAD, LAHAINA, MAUI, HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 16-247 be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



ROBERT CARROLL, Chair

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ORDINANCE NO. _____

BILL NO. _____ (2017)

A BILL FOR AN ORDINANCE GRANTING AAAAA RENT-A-SPACE - MAUI, A LIMITED PARTNERSHIP, A CONDITIONAL PERMIT TO ALLOW THE DEVELOPMENT OF A 29,900 SQUARE FOOT PAVED PARKING LOT FOR OFF-STREET STALLS AND PLACEMENT OF TEMPORARY PORTABLE SELF-STORAGE PODS, SMALL BOATS, AND VEHICLES WITHIN THE COUNTY R-3 RESIDENTIAL DISTRICT, FOR PROPERTY SITUATED AT 3560 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 AAAAA Rent-A-Space - Maui, a Limited Partnership, to allow the development of a 29,900 square foot paved parking lot for off-street stalls and placement of temporary portable self-storage pods, small boats, and vehicles within the County R-3 Residential District. The site is identified for real property tax purposes as tax map key (2) 4-4-001:026, comprising approximately 0.90 acres of land situated at 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 manner.
2. That the Conditional Permit shall be valid for a period of ten years from the effective date of this ordinance; provided, that an extension of this Conditional Permit beyond this ten-year

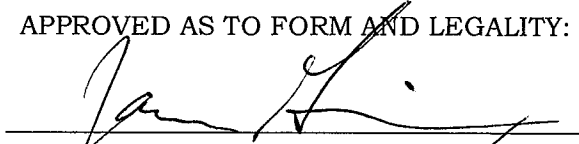
period may be granted pursuant to Section 19.40.090, Maui County Code.

3. That the Conditional Permit shall be nontransferable unless the Maui County Council approves a transfer by ordinance.
4. That AAAAA Rent-A-Space - Maui, a Limited Partnership, 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 \$1,000,000 naming the County of Maui as an additional insured, insuring and defending AAAAA Rent-A-Space - Maui, a Limited Partnership and the 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 AAAAA Rent-A-Space - Maui, a Limited Partnership, 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 the County of Maui as an additional insured shall be submitted to the Department of Planning within 90 calendar days from the effective date of 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 AAAAA Rent-A-Space - Maui, a Limited Partnership, shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining this Conditional Permit. Failure to so develop the property may result in the revocation of this Conditional Permit pursuant to Section 19.40.080, Maui County Code.
6. That AAAAA Rent-A-Space - Maui, a Limited Partnership, shall construct a high wall along the southern boundary of the property to provide safety, security, and privacy to abutting single-family residents.

7. That AAAAA Rent-A-Space - Maui, a Limited Partnership, shall prohibit its customers from reversing into the proposed parking lot from Lower Honoapiilani Road.
8. That AAAAA Rent-A-Space - Maui, a Limited Partnership, shall prohibit its customers from onsite boat repair.

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

APPROVED AS TO FORM AND LEGALITY:



JAMES A. GIROUX

Department of the Corporation Counsel
County of Maui

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