

PURSUANT TO CHAPTER 92, HAWAII REVISED STATUTES AS AMENDED, NOTICE IS HEREBY GIVEN OF A REGULAR MEETING OF THE MAUI PLANNING COMMISSION

## AGENDA

**NOTE: The Maui Planning Commission agenda filed on July 5, 2005 for a meeting on July 12, 2005 has been canceled. This new agenda filed on July 6, 2005 replaces the canceled agenda.**

DATE: July 12, 2005 (Tuesday)

TIME: 9:00 A.M.

PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii 96793

Members: Susan Moikeha (Chair), Suzanne Freitas (Vice-Chair), Patricia Eason, Johanna Amorin, Diane Shepherd, Nick Casumpang Jr., William Iaconetti, Wayne Hedani, Bruce U'u

Public testimony will be taken on any agenda item in order to accommodate those individuals who cannot be present at the meeting when the agenda item(s) is(are) considered by the Maui Planning Commission. Public testimony will also be taken when the agenda item is taken up by the Maui Planning Commission. Maximum time limits on individual testimony may be established by the Planning Commission. A person testifying at the beginning of the meeting will not be allowed to testify again when the agenda item comes up before the Commission, unless new or additional information will be offered.

A. CALL TO ORDER

B. PUBLIC HEARINGS (Action to be taken after each public hearing.)

1. KEITH and PENNY WEIGEL requesting a Type 2 Bed and Breakfast Permit for Penny's Place in Paradise Bed and Breakfast in order to utilize up to 4 bedrooms in the house for bed and breakfast purposes at TMK: 4-5-015: 014, Lahaina, Island of Maui. A new permit is requested because the previous permit expired. (BB2 2005/0001) (L. Callentine)

The public hearing has been rescheduled to the September 13, 2005 Maui Planning Commission meeting because the Applicant was unable to publish the Notice of Hearing at least 30 days prior to the public hearing and the Applicant will be out-of-State during the month of August.

2. CHRIS HART AND PARTNERS on behalf of GENESEE CAPITAL requesting a Special Management Area Use Permit for the Maui Lu Redevelopment Project consisting for the demolition of existing structures and the redevelopment of the Maui Lu Resort into a 400-unit time share complex with lock-off units, recreational amenities, landscaping beach

nourishment, and related improvements on approximately 27.282 acres of land at 575 South Kihei Road, TMK: 3-9-001: 083, 086, and 120, Kihei, Island of Maui. (SM1 2003/0021) (J. Alueta)

- a. Public Hearing
- b. Action

3. PAPAANUI LLC requesting a Community Plan Amendment from Multi-Family to Single-Family, a State Land Use District Boundary Amendment from State Agricultural District to State Urban District, Change in Zoning from Interim District to R-3 Residential District, and a Special Management Area Use Permit for the Papaanui Project. consisting of seven (7) single-family dwellings and seven ohana units and associated infrastructure and site improvements located approximately 3/4 of a mile south of Makena-Keoneio Road and Makena Alanui Road at TMK: 2-1-007: 009, Makena, Honuaula, Island of Maui. (CPA 20040008) (DBA 20040008) (CIZ 20040016) (SM1 20040023) (R. Loudermilk)

- a. Public Hearing
- b. Action

## B. COMMUNICATIONS

1. MR. GUY A. HAYWOOD, attorney MAUI BEACH VACATION CLUB submitting an untimely Petition to Intervene received July 1, 2005 on the request by CHRIS HART AND PARTNERS on behalf of GENESEE CAPITAL for a Special Management Area Use Permit for the Maui Lu Redevelopment Project consisting for the demolition of existing structures and the redevelopment of the Maui Lu Resort into a 400-unit time share complex with lock-off units, recreational amenities, landscaping beach nourishment, and related improvements on approximately 27.282 acres of land at 575 South Kihei Road, TMK: 3-9-001: 083, 086, and 120, Kihei, Island of Maui. (SM1 2003/0021) (J. Alueta)
2. MR. MICHAEL T. MUNEKIYO of MUNEKIYO and HIRAGA, INC. on behalf of A&B WAILEA LLC requesting a Step 1 Planned Development Approval for the transfer of land uses for four (4) parcels within the Wailea Resort Planned Development at TMK: 2-1-008: 121, 127, 129, and 144, Wailea, Island of Maui. (PD1 2005/0002) (A. Cua)
3. Untimely Petition to Intervene request by ISAAC HALL, attorney for KENNETH and KATHY BARR on the following Special Management Area Use Permit application: (The Petition to Intervene was filed on May 23, 2005

and was distributed to the Maui Planning Commission at the May 24, 2005 meeting. The public hearing was conducted on May 24, 2005 when an intervention request was granted to the Association of Apartment Owners of Hale Kamaole.) (A. Cua)

PARADISE RIDGE LIMITED PARTNERSHIP requesting a Special Management Area Use Permit for the Paradise Ridge Estates project, a 32-unit condominium complex with swimming pool and related improvements at 2757 South Kihei Road, TMK: 3-9-004: 132, Kihei, Island of Maui. (SM1 2001/0010) (A. Cua)

4. MICHAEL W. FOLEY, Planning Director requesting review by letter dated June 16, 2005 by the Maui Planning Commission on the Special Management Area Assessment submitted by MR. KEN FRENCH for the construction of a single family residence at 335 Door of Faith Road, TMK: 2-8-007: 052, Haiku, Island of Maui. (SM5 2005/0206) (P. Fasi)
  - a. Letter from Daniel Grantham on this matter circulated at the June 14, 2005 meeting.
5. MR. CHRISTOPHER L. HART, of CHRIS HART AND PARTNERS, INC., on behalf of MARRIOTT VACATION CLUB INTERNATIONAL requesting a determination from the Maui Planning Commission by letter dated April 22, 2005 that the project modifications as a result of the settlement are not a "significant change" and that a Supplemental Environmental Impact Statement (EIS) is not required for the Maui Ocean Club Sequel project at TMK: 4-4-013:001, Kaanapali, Island of Maui. (EIS 2002/0004)(SM1 2002/0026)(J. Alueta)

#### D. UNFINISHED BUSINESS

1. MR. STEVE BUSCH, Regional Vice-President in charge of Construction & Development of MARRIOTT VACATION CLUB INTERNATIONAL requesting a Special Management Area Use Permit for the Maui Vacation Club Sequel Project in order to construct two guestroom buildings (146 units with 292 keys), parking facilities, and pool amenities at Maui Marriott Vacation Club, TMK: 4-4-013: 001, Kaanapali, Island of Maui. (SM1 2002/0026)(J. Alueta) (public hearing conducted on February 24, 2004)

DONNA Y.L. LEONG of CADES SCHUTTE, attorney for the ASSOCIATION OF APARTMENT OWNERS OF KAA NAPALI ALII CONDOMINIUM and KAA NAPALI ALII RENTAL OWNERS CORPORATION submitting a Petition to Intervene on the Special Management Area Use Permit request for the

Maui Ocean Club Sequel project at TMK: 4-4-013: 001, Kaanapali, Island of Maui. (SM1 2002/0026) (J. Alueta) (Intervention request granted at the 4/13/04 meeting)

ISAAC HALL, attorney for GERALD and BARBARA ROMAIN, THOMAS and ELLEN DUNNION, JOE and BARBARA BONN, BRAD and TERRI FRISSELLE, WAYNE DYER, MARSHA LUCAS, DAVE MELLO, RICHARD RALPH, JOEL GARBARINO, NATHAN COPELAN. EUGENE and JENNIFER ELLING, DELBERT SMART and JERRY and CONSTANCE KILARE, individually and as some of the members of the KAAANAPALI ALII FRIENDS OF THE ENVIRONMENT submitting a Petition to Intervene on the Special Management Area Use Permit request for the Maui Ocean Club Sequel project at TMK: 4-4-013: 001, Kaanapali, Island of Maui. (SM1 2002/0026) (J. Alueta) (Intervention request granted at the 4/13/04 meeting.)

- a) June 2, 2005 letter from Isaac Hall, attorney for individual intervenors stating that Jesse D. Yohanan is deceased and therefore is no longer an Intervenor.
  - b) May 13, 2005 Maui Ocean Club Sequel Project Final Settlement Agreement between the Marriott Vacation Club International and the Individual Intervenor represented by attorney Isaac Hall.
  - c) Action on the Special Management Area Permit request for the Maui Ocean Club Sequel
- E. APPROVAL OF MINUTES OF THE MAY 10, 2005, MAY 24, 2005 REGULAR MEETINGS and JUNE 13, 2005 SPECIAL MEETING
- F. DIRECTOR'S REPORT
1. Pursuant to the provisions of Section 12-202-26 of the Maui Planning Commission's Special Management Area (SMA) Rules, the Maui Planning Commission is hereby notified that the following notice of appeal has been received by the Planning Department on the following matter::  
  
KENNETH R. KUPCHAK, ROBERT H. THOMAS, and SAT KHALSA FREEDMAN of DAMON KEY LEONG KUPCHAK HASTERT, Attorneys at Law and GARY W. ZAKIAN, Esq., attorneys for Appellants HORITA-MAUI, INC. and KENRANES, LTD submitting a June 17, 2005 Notice of Appeal of Planning Director's June 2, 2005 Attempted Revocation of Special Management Area Use Permit for Ka Ono Ulu Estates at TMK: 3-9-001: 015, 148 &149, Kihei, Island of Maui. (APPL 2005/0001) (C. Suyama)

2. Pursuant to the provisions of Section 12-202-26 of the Maui Planning Commission's Special Management Area (SMA) Rules and Section 12-203-18 of the Maui Planning Commission's Shoreline Rules, the Maui Planning Commission is hereby notified that the following June 24, 2005 Notices of Appeal received from PAUL L. HORIKAWA, DAVID M. JORGENSEN, and GORDON W. STEWART of ING, HORIKAWA, JORGENSEN & STEWART, attorney for MICHAEL BASKIN on the following matters:
  - a. Notice of Violation Docket No. V20050033 dated June 15, 2005 issued by the Maui County Planning Department. (APPL 2005/0002)
  - b. Notice of Violation Docket No. V20050034 dated June 15, 2005 issued by the Maui County Planning Department (APPL 2005/0003)
  - c. Notice of Violation Docket No. V20050035 dated June 15, 2005 issued by the Maui County Planning Department (APPL 2005/0004)
3. EA/EIS Status Report
4. SMA Minor Permit Report
5. SMA Exemptions Report

G. NEXT REGULAR MEETING DATE: July 26, 2005

H. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.

ANY PETITION TO INTERVENE AS A FORMAL PARTY IN THE PROCEEDINGS BEFORE THE MAUI PLANNING COMMISSION MUST BE FILED WITH THE COMMISSION AND SERVED UPON THE APPLICANT NO LESS THAN TEN (10) DAYS BEFORE THE FIRST PUBLIC HEARING DATE. (Note: The calculation of time for deadlines ten days or less excludes weekends and State recognized holidays.) THE ADDRESS OF THE COMMISSION IS C/O THE MAUI PLANNING DEPARTMENT, 250 S. HIGH STREET, WAILUKU, MAUI, HAWAII 96793.

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON EACH ANY AGENDA ITEM SUBJECT TO THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES AND THE MAUI PLANNING COMMISSION RULES OF PRACTICE AND PROCEDURE. WRITTEN TESTIMONY SHOULD BE RECEIVED AT LEAST TWO BUSINESS DAYS BEFORE THE MEETING TO INSURE DISTRIBUTION TO THE BOARD. FIFTEEN (15) COPIES OF WRITTEN TESTIMONY ARE NEEDED IF TESTIMONY IS PRESENTED IMMEDIATELY PRIOR TO OR AT THE MEETING.

DOCUMENTS ARE ON FILE WITH THE PLANNING DEPARTMENT.

THE ADDRESS OF THE COMMISSION IS C/O THE MAUI PLANNING DEPARTMENT, 250 S. HIGH STREET, WAILUKU, MAUI, HAWAII 96793.

THOSE PERSONS REQUESTING SPECIAL ACCOMMODATIONS DUE TO DISABILITIES, PLEASE CALL THE MAUI PLANNING DEPARTMENT AT 270-7735 (Maui) OR 1-800-272-0117 (Molokai) OR 1- 800-272-0125 (Lanai) OR NOTIFY THE MAUI PLANNING DEPARTMENT IN WRITING AT 250 S HIGH STREET,

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WAILUKU, MAUI, HAWAII 96793 OR FAX NUMBER 270-7634; AT LEAST TWO (2) BUSINESS DAYS BEFORE THE SCHEDULED MEETING.

ANY FAXES SHOULD BE RECEIVED BY THE DEPARTMENT OF PLANNING BY 5:00 P.M. ON THE SECOND WORKING DAY BEFORE THE MEETING TO INSURE THAT IT IS CIRCULATED TO THE BOARD.

\*An Executive Session may be called in order for the Commission to consult with their attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities.

**PLEASE NOTE:**       **If any member of the Commission is unable to attend the scheduled meeting, please contact the Planning Department at least one day prior to the meeting date. Thank you for your cooperation.** (S:\all\carolyn\062805.2age)