

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

AGENDA

DATE: June 8, 2004 (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: Randy Piltz (Chair), Susan Moikeha (Vice-Chair), Bernice Lu, Susan Moikeha, Suzanne Freitas, Patricia Eason, Johanna Amorin, Diane Shepherd, Nick Casumpang Jr., William Iaconetti

Public testimony will be taken at the start of the meeting 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. KE ALII VILLAS, LLC requesting a Special Management Area Use Permit in order to construct the proposed Ke Alii Villas Condominium project including the consolidation of parcels 20 and 27 and the development of 146 condominium units and related improvements on properties on the south side of Ke Alii Alanui at its intersection with the proposed North-South Collector Road, TMK: 3-9-020: 020 and 027, Kihei, Island of Maui. (SM1 2002/0023) (public hearing previously scheduled for April 27, 2004) (C. Suyama)

- a. Public Hearing
- b. Action

2. LAHAINA GATEWAY, LLC requesting an amendments to the zoning ordinance, Ordinance No. 1537, to delete zoning conditions 1, 2, and 3 and to allow for additional uses in the B-2 Community Business District for property located at 252 Lahainaluna Road, at TMK: 4-6- 010: 010, Lahaina, Island of Maui. (CIZ 85/0012) (A. Cua)

LAHAINA GATEWAY, LLC is requesting to expand the permitted uses of the

subject B-2 Zoned Property to include all uses identified in Chapter 19.18.020, B-2 Community Business District, Maui County Code except for the following uses:

- . Auditoriums and theaters
- . Baseball or football Stadiums and other sport activities and amusements
- . Bath houses, commercial (plunge)
- . Bowling Alleys
- . Dance halls
- . Gymnasiums
- . Marinas; and
- . Mortuaries.

Applicant is further requesting deletion of Zoning Condition nos. 1, 2, and 3 in its entirety.

- a. Public Hearing
- b. Action

3. LAHAINA GATEWAY, LLC requesting amendments to the zoning ordinance to delete zoning conditions 1 and 2 and to allow for additional uses in the B-2 Community Business District for property located at Lahainaluna Road, TMK: 4-6- 010: 011 and 012, Lahaina, Island of Maui. (CIZ 85/0019) (A. Cua)

LAHAINA GATEWAY, LLC is requesting to expand the permitted uses of the subject B-2 Zoned Property to include all uses identified in Chapter 19.18.020, B-2 Community Business District, Maui County Code except for the following uses:

- . Auditoriums and theaters
- . Baseball or football Stadiums and other sport activities and amusements
- . Bath houses, commercial (plunge)
- . Bowling Alleys
- . Dance halls
- . Gymnasiums
- . Marinas; and
- . Mortuaries.

Applicant is further requesting deletion of Zoning Condition nos. 1 and 2 in its entirety.

- a. Public Hearing
- b. Action

- 4. MR. JEFFREY S. STRAHN of LUU KAI PARTNERS requesting a Special Management Area Use Permit for the Maui Dive Shop Warehouse project consisting of a warehouse building for the storage and distribution of Maui Dive Shop merchandise at 24 Halekuai Street, TMK: 3-9-051: 017, Kihei, Island of Maui. (SM1 2003/0019) (K. Caigoy)

- a. Public Hearing
- b. Action

C. APPROVAL OF MINUTES OF THE APRIL 13, 2004 MEETING

D. COMMUNICATIONS

- 1. Petition to Intervene filed on April 19, 2004 by Attorney Isaac Hall on behalf of the Kamaole Heights Association, Inc on the Ke Alii Villas Special Management Area Use Permit application. (SM1 2002/0023) (Distributed for the April 27, 2004 meeting)

Petition to Intervene, as Amended filed on May 12, 2004 by attorney Isaac Hall, on behalf of the Kamaole Heights Homeowners Association, Inc. on the Ke Alii Villas Special Management Area Use Permit application. (SM1 2002/0023) (C. Suyama)

- a. Ke Alii Villas, LLC's Memorandum in Opposition to the Petition to Intervene filed on April 19, 2004 by attorneys B. Martin Luna and Craig G. Nakamura. (SM1 2002/0023) (Distributed for the April 27, 2004 meeting)

Ke Alii Villas, LLC's Memorandum in Opposition to the Petition to Intervene, As Amended filed by attorneys B. Martin Luna and Craig G. Nakamura. (SM1 2002/0023)

- 2. MR. JEFFREY S. STRAHN of LUU KAI PARTNERS requesting a determination from the Maui Planning Commission pursuant to the provisions of Section 19.18.020.64 of the Maui County Code, B-2 Community Business District that the proposed warehousing use conforms to the intent of the B-2 Community Business District for the Maui Dive Shop Warehouse Building at 3-9-051: 017, 24 Halekuai Street, Kihei Franks Subdivision, Kihei, Island of Maui. (ACC 2004/0001) (K. Caigoy)

E. NEW BUSINESS

1. LANDTEC, INC. requesting an Environmental Assessment Determination on the Final Environmental Assessment prepared in support of the Community Plan Amendment application from Light Industrial and Open Space to Single Family Residential for the Kaanapali Parcel 10-H Residences Project consisting of the subdivision of a 7.65-acre parcel into 23 single family residential lots and construction of related subdivision improvements at TMK: 4-4-006: 056, Kaanapali, Island of Maui. (EA 2003/0009) (CPA 2003/0002) (K. Caigoy) (A. Cua) (Draft EA was previously reviewed at the March 23, 2004 MPC mtg)

The EA trigger is the Community Plan Amendment request. The public hearing on the Community Plan Amendment will be conducted at a future date after the completion of the environmental assessment process.

F DIRECTOR'S REPORT

1. Notification of the Issuance of a Special Management Area (SMA) Emergency Permit on April 26, 2004 to Thomas Welch of Mancini, Welch & Geiger LLP for the placement of temporary shore protection devices along an existing seawall fronting 477 Laulea Place, TMK: 3-8-002: 068, Spreckelsville, Island of Maui. (SM3 2004/0002) (L. Kaiaokamalie) (previously on the May 25, 2004 MPC agenda)
2. Scheduling with the Department of Public Works and Environmental Management Workshops on the Issues of Traffic and Drainage
3. EA/ EIS Status Report
4. SMA Minor Permit Report
5. SMA Exemptions Report

G. NEXT REGULAR MEETING DATE: June 22, 2004

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.

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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 (Mokai) OR 1-800-272-0125 (Lanai) OR NOTIFY THE MAUI PLANNING DEPARTMENT IN WRITING AT 250 S. HIGH STREET, 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\060804.age)