

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

AGENDA

DATE: August 24, 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, 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 item.)

1. SVO PACIFIC, INC. requesting a Special Management Area Use Permit for the Westin Kaanapali Ocean Resort Villas Expansion involving the provision of 258 units with 258 lock off units as well as related improvements on approximately 11.471 acres of land located makai of Honoapiilani Highway about 800 feet north of Kai Ala Drive at TMK: 4-4-014: 004, Kaanapali, Island of Maui. (SM1 2003/0024) (J. Alueta) (Site inspection/ workshop conducted on June 7, 2004.)

- a. Public Hearing
- b. Action

2. PEAHI FARMS I LLC c/o HOLT & EVERHART requesting a Special Management Area Use Permit for the Peahi Farms at Opana Point project, a 16-lot subdivision with an agricultural easement set aside for farming operations on approximately 240 acres of land and related improvements on Lower Ulumalu Road, TMK: 2-8-003:049, Opana and Ulumalu, Hamakualoa, Makawao, Island of Maui. (SM1 2003/0030) (C. Suyama)

- a. Public Hearing
- b. Action

C. APPROVAL OF MINUTES OF THE JULY 13, 2004 and JULY 27, 2004 MEETINGS

D. COMMUNICATIONS

1. SVO PACIFIC, INC. in the context of the review of the Special Management Area Use Permit for the Westin Kaanapali Ocean Resort Villas Expansion project on Lot 2 of the North Beach Subdivision requesting approval that SVO Pacific, Inc.'s funding of the County's portion of the Keawe Street connector to the Lahaina Bypass (Phase 1a) satisfies condition no. cc of the Special Management Area Use Permit for the Kaanapali Ocean Resort (KOR) on Lot 1 that "prior to any further commercial development (beyond KOR) at the North Beach Subdivision, the Lahaina Bypass Highway or other mitigative measures or terms, as approved by the Maui Planning Commission, shall be implemented. Lot 1 is located at TMK: 4-4-014: 003 and the SMA Docket No. is SM1 970006. (J. Alueta)
2. MR. ISAAC HALL, attorney for THE WEST MAUI PRESERVATION ASSOCIATION, INC. submitting a Petition to Intervene dated August 6, 2004 on the Special Management Area Use Permit request by SVO PACIFIC, INC. for the Westin Kaanapali Ocean Resort Villas Expansion project and related improvements at TMK: 4-4-014: 004, Kaanapali, Island of Maui. (SM1 20030024) (J. Alueta)
3. KULAMALU LLC requesting off-site parking approval to allow developments on lots within the Kulamalu Town Center Project to utilize parking on lot 7 as required parking pursuant to Chapter 19.36 Off-Street Parking and Loading Ordinance at TMK: 2-3-008: portion of 038, Kula, Island of Maui. (OSP 2003/0006) (A. Cua)
4. MS. GWEN OHASHI HIRAGA of MUNEKIYO and HIRAGA on behalf of PACIFIC LAND HOMES, LLC requesting a Step 1 Planned Development Approval for the Wailea MF-5 Multi-family project consisting of 33 detached units, recreation center, and related improvements at TMK: 2-1-008: portion of 112, Wailea, Kihei, Island of Maui. (PD1 2004/0005) (C. Suyama)
5. MR. CHRISTOPHER L. HART of CHRIS HART AND PARTNERS on behalf of KALAMA HEIGHTS, INC., requesting a 2-year time extension on the Special Management Area Use Permit condition to complete construction of the Kalama Heights Senior Retirement Project at TMK: 3-9-017: 002, 068, and 069, Kihei, Island of Maui. (SM1 970004) (P. Fasi)

6. MS. GWEN OHASHI HIRAGA of MUNEKIYO AND HIRAGA on behalf of WAILEA TOWN CENTER INVESTORS, LLC to obtain approval of modifications to plans for the Special Management Area Use Permit and Step 2 Planned Development Approval of Phase 2 of the proposed Wailea Town Center consisting of modifications to Building C and D to include apartments on the second floor, a pool/spa and garages for the apartments at TMK: 2-1-008: 103 and 141, Wailea, Kihei, Island of Maui. (SM1 990007) (PD2 2004/0006) (C. Suyama)

7. Appointment of the Hearing Officer for the Maui Ocean Club Sequel Contested Case (SM1 2002/0026) (J. Alueta):

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)

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, JESSE D. YOHANAN, JOEL GARBARINO, NATHAN COPELAN. EUGENE and JENNIFER ELLING, DELBERT SMART and JERRY and CONSTANCE KILARE, individually and as some of the members of the KAA NAPALI 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)

#### E. DIRECTOR'S REPORT

1. Scheduling of site visit as determined at the July 27, 2004 meeting on the reopening of the contested case proceeding on the following appeal:

(deferred from the August 10, 2004 meeting)

Appeal by Mr. James Geiger of Mancini, Welch & Geiger on behalf of Douglas Richard White from the determination of the Director, Department of Planning by letter dated January 24, 2003 to rescind the Special Management Area (SMA) Exemption determination by letter dated August 8, 2002 regarding the construction of a single family dwelling at 1377 Front Street, TMK: 4-5-012: 018, Lahaina, Island of Maui. (SM5 2002/0289) (APPL 2003/0004)

James Richard McCarty, attorney for Momi Keahi, Kai Keahi, and Kalani Kapu intervening on the abovementioned appeal.

2. Request by Munekiyo and Hiraga on behalf of Intrawest for a site inspection and workshop for the Honua Kai project at Kaanapali North Beach, Lahaina, Island of Maui. Planned Development Step II and Special Management Area Use Permit applications are pending. (C. Suyama)
3. Department of the Corporation Counsel transmitting proposed amendments to Rules of the Maui Planning Commission pertaining to:
  - a. Section 12-201-84 of the Rules of Practice and Procedure of the Maui Planning Commission regarding Reconsideration.
  - b. Section 12-202-32 of the Special Management Area Rules of the Maui Planning Commission regarding the Disposition of the appeal.
4. EA/ EIS Status Report distributed with the August 10, 2004 agenda
5. EA/EIS Status Report
6. SMA Minor Permit Report distributed with the August 10, 2004 agenda
7. SMA Minor Permit Report
8. SMA Exemptions Report distributed with the August 10, 2004 agenda
9. SMA Exemptions Report

F. NEXT REGULAR MEETING DATE: September 14, 2004

G. 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,

Maui Planning Commission Agenda  
August 24, 2004  
Page 5

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, 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\082404.age)