

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

## AGENDA

DATE: September 28, 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. MR. LEE A. OHIGASHI, attorney on behalf of the SHIZUKO SUEHIRO TRUST requesting a zoning change from the R-2 Residential District to the B-2 Community Business District for properties situated at 1217 Front Street, TMK: 4-5-005: 007 and 016, Lahaina, Island of Maui. (CIZ 2003/0005) (R. Loudermilk)

- a. Public Hearing
- b. Action

2. MR. MICHAEL W. FOLEY, Director, DEPARTMENT OF PLANNING transmitting Council Resolution No. 04-107 containing "A Bill To Change Zoning from the A-2 Apartment District to R-3 Residential District (Conditional Zoning) for property along the westerly side of Kekaa Drive at TMK: 4-4-008: 016, Kaanapali, Island of Maui. (Sunstone Realty Property) (CIZ 2004/0014) (J. Alueta)

- a. Public Hearing
- b. Action

3. D & I ENTERPRISES requesting a Special Management Area Use Permit for the Kilohana Waena Project, 31 single-family residential lots and related improvements as well as improvements to the existing brackish water well along Kauhale Street near its intersection with Kilohana Drive at TMK: 3-9-004: 074 and 075, Kihei, Island of Maui. (SM1 2004/0010) (C. Suyama)
  - a. Public Hearing
  - b. Action

C. COMMUNICATIONS

1. MS. KARLYNN KAWAHARA, Planner of MUNEKIYO AND HIRAGA, INC. requesting a transfer of the State Land Use Commission Special Use Permit and Conditional Permit from POHAKULEPO RECYCLING, INC. to HAWAIIAN CEMENT for the base course, rock crushing, concrete , and green waste composting operations at TMK: 3-6-004: portion of 007, Maalaea, Island of Maui. (SUP 960013) (P. Fasi)
2. MR. BRIAN J. THOREN of WESTERN SKIES requesting the following amendments to the Special Management Area Use Permit and Steps 1 and 2 Planned Development approvals for the 112-unit Kai Makani residential project and related improvements at TMK: 3-9-041: 002, 003, 026, 038, and por. of 027 and 3-9-001: 025, Kihei, Island of Maui. (SM1 2002/0021) (PD1 2003/0001) (PD2 2004/0003) (J. Alueta):
  - a. Transfer of the Step 1 Planned Development approval, the Step 2 Planned Development and the Special Management Area Use Permit from AHEAHE MAKANI, LLC to CATHY ASSOCIATES, LLC and MARY ASSOCIATES, LLC.
  - b. Proposed revisions to the approved SMA and Step 2 Planned Development plans such as enclosing the stairs and the elimination of the large 8 and 10 unit buildings and the tandem spaces..

D. NEW BUSINESS

1. GENESSEE CAPITAL requesting an Environmental Assessment Determination on the Final Environmental Assessment prepared in support of the Special Management Area Use Permit application for the Maui Lu Redevelopment project in order to redevelop the Maui Lu in a phased construction of 388 timeshare units and related improvements at 573 South Kihei Road, TMK: 3-9-001: 086, Kihei, Island of Maui. (EA 2003/0008) (SM1 2003/0021) (K. Caigoy) (J. Alueta) ( The draft EA was reviewed by the Maui Planning Commission at its May 25, 2004 meeting. The Final EA was

distributed to the Maui Planning Commission at its September 14, 2004 meeting. (Commissioners: Please bring your copy with you.)

The EA trigger is work within the County right-of-way.

The public hearing on the Special Management Area Use Permit will be at a later date after the Environmental Assessment process has been completed.

2. OLD STABLE LLC requesting comments on the draft Environmental Assessment prepared in support of the Community Plan Amendment from Open Space to Rural (14.86 acres at TMK: 3-8-001: por. of 003), Single Family to Open Space (3 acres at TMK: 3-8-002: 009 and 010), and Open Space to Public/Quasi-Public (1.16 acres at TMK 3-8-001: por. of 003) for the E Paepae Ka Pukoa project, a 16-lot rural subdivision, open space conservation easement, and County/ State donation project on Old Stable Road, Spreckelsville, Island of Maui. (EA 2004/0006) (CPA 2004/0007) (CIZ 2004/0015) (SM1 2004/0021) (K. Caigoy) (C. Suyama) (The draft EA document was distributed to the Maui Planning Commission at its September 14, 2004 meeting. Commissioners: Please the document with you.)

The EA trigger is the Community Plan Amendment.

The applicant also submitted applications for a change in zoning and a Special Management Area Use Permit.

The public hearing on the Community Plan Amendment, Change in Zoning, and the Special Management Area Use Permit requests will be at a later date after the Environmental Assessment process has been completed.

#### E. UNFINISHED BUSINESS

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.)

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)

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)

(Public hearing was conducted on August 24, 2004. Deferral on the intervention request and action on the SMA request was made at the August 24, 2004 meeting at the request of both the applicant and the intervening party.)

- a. Status report by the applicant and intervening party
- b. Decision making on intervention request
- c. Selection of mediator
- d. Determination by the Maui Planning Commission as to whether the \$1.5 million funding contribution for the Keawe Street connector to the Lahaina Bypass (Phase 1A) can be approved as "other mitigative measures or terms to be implemented" pursuant to condition cc. of the Kaanapali Ocean Resort SMA Permit. (SM1 970006)
- e. Decision making on the SMA request.

#### F. DIRECTOR'S REPORT

1. Department of the Corporation Counsel transmitting by memo dated September 16, 2004 proposed amendments to the Rules of the Maui Planning Commission pertaining to Section 12-202-12(c) of the Special Management Area Rules regarding the submittal of oral or written comments received from governmental or non-governmental agencies, community organizations, or individuals with regard to the proposed action, and a summary of the dates and attendance of public meetings held on the proposed action. as a required submittal for SMA assessment applications.
2. EA/EIS Status Report

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3. SMA Minor Permit Report
4. SMA Exemptions Report
5. October 5, 2004 - Site Inspection for continuation of contested case on the Doug White appeal and workshop/site inspection on the Intrawest Honua Kai project.

G. NEXT REGULAR MEETING DATE: October 12, 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.

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\092804.age)