

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 14, 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. KAK II, LLC requesting a Special Management Area Use Permit for the proposed Ke Alii Kai II Subdivision, a 90-lot subdivision including single family residences and related improvements on approximately 28.6 acres of land located makai of Kananui Road between Kamalii Elementary School and the Keonekai Heights Subdivision at TMK: 3-9-019: 004, Kihei, Island of Maui. (SM1 2003/0013) (C. Suyama)

- a. Public Hearing
- b. Action

2. MR. JOSEPH SUGARMAN of ALOHA MANSIONS, LLC requesting a Special Management Area Use Permit in order to construct the Aloha Village project consisting of the construction of 78-townhouse residences and related improvements for long-term residential occupation on approximately 8.5 acres of land at 2455 South Kihei Road, TMK: 3-9-020: 007, Kihei, Island of Maui. (SM1 2003/0029) (S. Bosco)

- a. Public Hearing
- b. Action

C. APPROVAL OF MINUTES OF THE AUGUST 10, 2004 MEETING

D. COMMUNICATIONS

1. MR. ISAAC HALL, attorney for the KAMAOLE HEIGHTS HOMEOWNERS ASSOCIATION, INC. submitting a Petition to Intervene dated August 27, 2004 on the Special Management Area Use Permit request for the Ke Alii Kai II Subdivision, a 90-lot subdivision including single family residences and related improvements on approximately 28.6 acres of land located makai of Kananui Road between Kamalii Elementary School and the Keonekai Heights Subdivision at TMK: 3-9-019: 004, Kihei, Island of Maui. (SM1 2003/0013) (C. Suyama)
2. MR. JOE SUGARMAN, President of ALOHA MANSIONS, LLC requesting a Step 2 Planned Development Approval for the Aloha Villages project, a seventy-eight (78) unit multi-family residential project including a swimming pool, spa, recreation building, landscape planting, private and public walking/ bicycle paths and supporting infrastructure improvements at 2455 South Kihei Road, TMK: 3-9-020: 007, Kihei, Island of Maui. (PD2 2004/0009) (S. Bosco)

E. NEW BUSINESS

1. Environmental Assessment Determination on the Final Environmental Assessment prepared in support of the Community Plan Amendment request in Resolution No. 04-33 from Public/Quasi-Public to Single Family Residential for the Fukiyo Ueoka property at 281 Hana Highway, TMK: 2-6-008: 019, Paia, Island of Maui. (EA 2004/0002) (K. Caigoy) (J. Alueta) The EA trigger is the Community Plan Amendment. The Draft EA was reviewed by the Maui Planning Commission at its August 10, 2004 meeting.

The Maui County Council has transmitted Council Resolution No. 04-33 containing the following land use change bills for the Fukiyo Ueoka property at 281 Hana Highway, TMK: 2-6-008: 019, Paia, Island of Maui:

- a) A Bill for an Ordinance to Amend the Paia-Haiku Community Plan from Public/Quasi-Public to Single Family Residential (CPA 2004/0002) (J. Alueta)
- b) A Bill for an Ordinance to Change Zoning from Interim District to R-1 Residential District. (CIZ 2004/0008) (J. Alueta)

The public hearing on the community plan and change in zoning requests will

be conducted at a later date after the Environmental Assessment process has been completed.

F. UNFINISHED BUSINESS

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) (C. Suyama)

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)

(Public hearing was conducted and intervention request was granted at the June 8, 2004 Maui Planning Commission meeting.)

- a. Status Report by the Parties
  - b. Selection of Hearings Officer
  - c. Decision making on the Special Management Area Use Permit request.
2. 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.
3. MR. LLOYD T. SUEDA, Principal of SUEDA & ASSOCIATES, INC. on behalf of KCOM CORPORATION requesting the following relating to the Special Management Area Use Permit for the Hobron Center at the intersection of Hana Highway and Hobron Avenue, TMK: 3-7-011: 003, Kahului, Island of Maui. (SM1 950010) (R. Loudermilk) (Deferred from the May 11, 2004 meeting):
- a. Review and approval of the updated Traffic Impact Analysis Report pursuant to amended Condition No. 33 of the SMA Permit.
  - b. An amendment to Condition No. 1 of the SMA Permit for a one-year time extension on the period to initiate construction.

#### G. DIRECTOR'S REPORT

1. Scheduling of meeting for the reopened contested case proceeding and

decision making on the following appeal: ( J. Alueta)

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.

(At its July 27, 2004 meeting, the Maui Planning Commission voted to reopen the contested case proceeding on the appeal. At its August 24, 2004 meeting a site inspection was scheduled for October 5, 2004.)

2. Department of the Corporation Counsel transmitting by memo dated August 27, 2004 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.
3. EA/EIS Status Report
4. SMA Minor Permit Report
5. SMA Exemptions Report
6. 2004 Hawaii Congress of Planning Officials Conference - September 8-10, 2004, Honolulu, Hawaii

H. NEXT REGULAR MEETING DATE: September 28, 2004

I. 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 (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\091404.age)