

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

AGENDA

DATE: May 11, 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.)

*Please note that the rescheduled public hearing for the Ke Alii Villas Special Management Area Permit request has been set for the June 8, 2004 meeting.

- C. APPROVAL OF MINUTES OF THE FEBRUARY 10, 2004 and MARCH 9, 2004 MEETINGS
- D. COMMUNICATIONS
 - 1. MS. LEIANE PACI of MAUI LANI PARTNERS requesting a time extension on the period to submit the Phase 3 Project District Application as required by the Phase 2 Project District Approval consisting of the Relocation of the Elementary School Site to a 13.5 Acre Parcel and Designation of the Existing 8 Acre and 5 Acre School Sites to SF-5 Single Family Use on the Land Use Allocation Map for the Maui Lani Project District, TMK: 3-8-007: 109, por. 121, por. 130, por. 131, por. 136, por. 137, and por. 138, Wailuku/Kahului, Island of Maui. (PH2 2003/0001) (C. Suyama)

2. AHEAHE MAKANI, LLC requesting a Planned Development Step 1 Approval for the Kai Makani project, a 112-unit condominium project within the A-1 Apartment District and R-2 Residential District on approximately 10.442 acres of land along South Kihei Road at TMK: 3-9-041:002, 003, 026, 3-9-041: 038, Kihei, Island of Maui. (PD1 2003/0001) (J. Alueta) (previously scheduled for the April 27, 2004 meeting) (Commissioners: Please bring materials with you from the April 27, 2004 agenda packet)
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) (previously scheduled for the April 27, 2004 meeting) (Commissioners: Please bring materials with you from the April 27, 2004 agenda packet):
 - a. Review and approval of the updated Traffic Impact Analysis Report pursuant to 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.

E. NEW BUSINESS

1. KAK II LLC requesting comments on the Draft Environmental Assessment for the Ke Alii Kai II Subdivision, a 90-lot residential subdivision, and related improvements including offsite improvements at TMK: 3-9-019: 004, Kihei, Island of Maui. (EA 2004/0001) The EA trigger is the use of County lands for offsite improvements. (K. Caigoy) (C. Suyama) (previously scheduled for the April 27, 2004 meeting) (Commissioners: Please bring materials with you from the April 27, 2004 agenda packet)

The Planning Department is also processing the Special Management Area Use Permit for the Ke Alii Kai II Subdivision. The public hearing on the Ke Alii Kai II Subdivision SMA Permit request will be held after the Chapter 343 process has been completed.

F. PENDING LITIGATION (To be discussed at approximately 1:00 pm or soon thereafter)

1. a. Consider and adopt a position with respect to settlement proposals in Hale O Kaula Church v. Maui County (Civil No. 01-0061 SPK/KSC) and USA v. Maui County (Civil No. 03-0362 SPK/KSC) (R.

- Loudermilk)
- b. Adopted Position with Respect to Potential Settlement of Hale O Kaula Church v. Maui County (Civil No. 01-0061 SPK/KSC) and USA v. Maui County (Civil No. 03-00362 SPK/KSC) (R. Loudermilk)
 - c. Assign Member/ Members to Negotiate Said Position pursuant to HRS 92-2.5(b) (2) in the Hale O Kaula Church v. Maui County (Civil No. 01-0061 SPK/KSC) and USA v. Maui County (Civil No. 03-00362) (R. Loudermilk) (previously scheduled for the April 27, 2004 meeting)

***An Executive Session may be called on one, several, or all of these items 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.**

G. UNFINISHED BUSINESS

1. MR. WAYNE I. ARAKAKI on behalf of the CHURCH OF THE NAZARENE requesting a change in zoning from Public Use and R-3 Residential District to P-1 Public/ Quasi-Public District in order to construct a multi purpose building, fellowship hall, kitchen, and 2 story sanctuary at 2986 Haleakala Highway, TMK: 2-3-031: 011 and 2-3-054: 150, Pukalani, Island of Maui. (CIZ 2001/0007) (J. Alueta) (Public hearing conducted on January 27, 2004) (Previously scheduled for the April 27, 2004) (Commissioners: Please bring materials with you from the April 27, 2004 agenda packet)
2. MR. FRANCESCO MORETTI, Director of MALIKO BAY TRADING CO., LLC requesting a Special Management Area Use Permit for the Maliko Bay Subdivision, an 8-lot subdivision and related improvements on 45 acres of land in the County Agriculture District, TMK: 2-7-004: 006 and 2-7-036:031, Haiku, Island of Maui. (SM1 2003/0010) (J. Alueta for J. Higa) (Public hearing conducted on March 23, 2004. Site inspection conducted on April 20, 2004)

H. DIRECTOR'S REPORT

1. EA/ EIS Status Report (distributed for the April 13, 2004 meeting)
2. EA/EIS Status Report (distributed for the April 27. 2004 meeting)
3. EA/EIS Status Report
4. SMA Minor Permit Report (distributed for March 23, 2004 meeting)
5. SMA Exemptions Report (distributed for March 23, 2004 meeting)
6. SMA Minor Permit Report (distributed for the April 13, 2004 meeting)
7. SMA Exemptions Report (distributed for the April 13, 2004 meeting)
8. SMA Minor Permit Report (distributed for the April 27, 2004 meeting)

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9. SMA Exemptions Report (Distributed for the April 27, 2004 meeting)
10. SMA Minor Permit Report
11. SMA Exemptions Report

I. NEXT REGULAR MEETING DATE: May 25, 2004

J. 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, 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\cardyn\051104.age)