

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 23, 2006
TIME: 9:00 A.M.
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii 96793

Members: Wayne Hedani (Chair), Diane Shepherd (Vice-Chair), Patricia Eason, Suzanne Freitas, Johanna Amorin, William Iaconetti, Bruce U'u, John Guard IV, Jonathan Starr

Public testimony will be taken 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. NEW BUSINESS

1. ROYAL LAHAINA DEVELOPMENT GROUP, LLC requesting an Environmental Assessment Determination on the Final Environmental Assessment for the proposed Royal Lahaina Resort Revitalization Project at TMK: 4-4-008: 007 and 013, Kaanapali, Lahaina, Island of Maui. (EA 2005/0014) (SM1 2005/0038) (SSV 2005/0005) (K. Caigoy) (J. Hunt) (Draft Environmental Assessment was reviewed on February 14, 2006.)

The Chapter 343 EA trigger is the work in the shoreline setback area.

The applicant has also applied for a Shoreline Setback Variance and a Special Management Area Use Permit. The public hearing on these applications will be scheduled for a later date after the Chapter 343, HRS process has been completed.

C. COMMUNICATIONS

1. MR. RYAN CHURCHILL on behalf of KAPALUA BAY, LLC requesting a Step 3 Planned Development Approval for The Residences at Kapalua Bay project consisting of up to 90 wholly owned and 65 fractionally owned condominium units, spa, restaurant, beach clubhouse/ recreation center, pool, shoreline trail, shoreline access, and related improvements on approximately 25 acres of land at TMK: 4-2-004: 027, 028, and 029, Kapalua, Lahaina, Island of Maui. (PD3 2006/0001) (J. Hunt)
2. MR. GUY A. HAYWOOD, Esq., Attorney for Intervenor MAUI BEACH VACATION CLUB submitting a Motion to Dismiss Application dated April 18, 2006 in the matter of CHRIS HART AND PARTNERS on behalf of GREGORY SCHNEIDER and GENESSEE CAPITAL to obtain a Special Management Area Use Permit for the Maui Lu Redevelopment Project and related improvements at TMK: 3-9-001: 086, 083, & 120, Kihei, Island of Maui. (SM1 2003/0021) (Petition to Intervene was granted at the March 14, 2006 meeting. Public hearing on SMA application was conducted on July 12, 2005.) (J. Alueta)
 - a. PAUL R. MANCINI of MANCINI WELCH & GEIGER, LLP and B. MARTIN LUNA and BLAINE KOBAYASHI of CARLSMITH BALL, LLP, attorneys for CHRIS HART AND PARTNERS, GREGORY SCHNEIDER, and GENESSEE CAPITAL submitting a Memorandum in Opposition dated May 11, 2006 to the Motion to Dismiss the Special Management Area Use Permit for the Maui Lu Redevelopment Project and related improvements.
3. DAVID DANTES, M.D., President of the MAUI VACATION RENTAL ASSOCIATION (MVRA) submitting a May 4, 2006 letter requesting relative to Maui Planning Commission's scheduled June 28, 2006 public hearing on Council Resolution No. 06-32 relating to permitting and regulating transient vacation rentals that: (J. Alueta)
 - a. The Planning Commission allow presentations by a TVR Panel at the first meeting where vacation rental legislation is discussed; and
 - b. The Planning Commission designate MVRA as a resource during meetings where vacation rental legislation is discussed.

D. UNFINISHED BUSINESS

1. MR. DALE CASTLETON requesting a Community Plan Amendment from Multi-family Use to Business/Commercial Use, a Change in Zoning from A-1 Apartment District to B-2 Community Business District, and a Special

Management Area Use Permit for the Hula Girl Gardens Retail Plant Nursery on approximately 19,499 square feet of area located at 2021 South Kihei Road, TMK: 3-9-017: 012, Kihei, Island of Maui. (CPA 2000/0008) (CIZ 2000/0014) (SM1 2000/0026) (C. Suyama) (Public hearing conducted on October 23, 2001) **(Materials distributed for the May 9, 2006 meeting. Commissioners: Please bring your materials with you.)**

2. MR. RANDY ENDO, Vice-President of Community Development of MAUI LAND & PINEAPPLE COMPANY, INC requesting the following land use approvals for its Pulelehua project at TMK: 4-3-001: portion of 031, Mahinahina, Lahaina, Island of Maui: (A. Cua) (Public hearing conducted on April 24, 2006. Last discussion at May 9, 2006 meeting.)
 - a. Community Plan Amendment to establish West Maui Project District 5 (Pulelehua) in the West Maui Community Plan (CPA 2005/0005);
 - b. Change in Zoning to West Maui Project District 5 (Pulelehua) (CIZ 2005/0004); and
 - c. Phase I Project District Approval to establish the uses and development standards in West Maui Project District 5 (Pulelehua) (PH1 2005/0001)
- E. MINUTES OF THE APRIL 24, 2006 SPECIAL MEETING and APRIL 24, 2006 MEETING RECESSED TO APRIL 25, 2006.
- F. DIRECTOR'S REPORT
 1. EA/EIS Report
 2. SMA Minor Permit Report
 3. SMA Exemptions Report
- G. NEXT REGULAR MEETING DATE: June 13, 2006
- 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 (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.

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\052306.age)