

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

## AGENDA

DATE: February 28, 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: Susan Moikeha (Chair), Suzanne Freitas (Vice-Chair), Patricia Eason, Johanna Amorin, Diane Shepherd, Nick Casumpang Jr., William Iaconetti, Wayne Hedani, Bruce U'u

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. PUBLIC HEARINGS (Action to be taken after each public hearing item.)

1. WILLIAM E. and KATHLEEN A. CAMBRA requesting the following land use permits for the Jacaranda Hills Subdivision (3-lot subdivision) at 1010 Kula Highway, TMK: 2-3-032: 003, Pukalani, Island of Maui: (A. Cua)
  - a. State Land Use District Boundary Reclassification from the State Agricultural District to the State Rural District. (DBA 2005/0001)
  - b. Change in Zoning from the County Agricultural District to the RU-0.5 Rural District (CIZ 2004/0001)
    - a) Public Hearing
    - b) Action
2. WILLIAM E. and KATHLEEN A. CAMBRA requesting the following land use permits for the Shampoo-U and Spa Too operation on property situated at 1010 Kula Highway, TMK: 2-3-032: 003, Pukalani, Island of Maui: (A. Cua)
  - a. Conditional Permit to operate Shampoo-U & Spa Too in the RU-0.5 Rural District. (CP 2005/0004)
  - b. State Land Use Commission Special Use Permit in order to operate Shampoo-U & Spa Too in the State Rural District. (SUP2 2005/0003)

- a) Public Hearing
- b) Action

C. NEW BUSINESS

1. MUNEKIYO & HIRAGA, INC. On behalf of the COUNTY OF MAUI requesting comments on the Draft Environmental Assessment (EA) prepared in support of the proposed Community Plan Amendment (Nunes Land Exchange) for property located at TMK: 4-4-001:010 and 4-4-014: 008, Kaanapali, Lahaina, Island of Maui. (EA 2004/0014) (C. Suyama for K. Caigoy)

The Maui Planning Commission is being asked to do the following:

- a. Concur with the Planning Department on the filing of a draft EA and anticipated FONSI determination with OEQC for publication.
- b. Provide comments on the Draft EA.

The environmental assessment trigger is the Community Plan Amendment.

The proposed action involves a property boundary reconfiguration to develop a contiguous public park area by Maui Beach Resorts on TMK: 4-4-014: 008, as well as providing road frontage and site access for the owner of TMK: 4-4-001: 010. Charles Nunes, which is currently landlocked. The existing Nunes property (1.5 acres) is designated "Business" in the West Maui Community Plan. The community plan amendment would shift the Business designation to lands fronting Lower Honoapiilani Road. The land area remaining after the shift would be designated for Park use. The proposed community plan amendment would not result in a substantial net loss or either park or business designated lands.

The proposed action requires a Community Plan Amendment, Change in Zoning, and a Special Management Area Use Permit. The public hearing on these applications will be scheduled at a later time after the Chapter 343 process has been completed.

D. COMMUNICATIONS

1. MR. GEORGE Y. TENGAN , Director of the DEPARTMENT OF WATER SUPPLY requesting an amendment to the State Land Use Commission Special Use Permit for the Kamole Weir Water Treatment Facility in order to replace the existing 0.3 million gallon clearwater reservoir with two (2) new

3 million gallon reservoirs to comply with federal regulatory requirements at TMK: 2-5-004: 080, Makawao, Island of Maui. (SUP 820006) (P. Fasi)

2. MR. JOHN COOK on behalf of the KAA NAPALI SHORES ASSOCIATION OF APARTMENT OWNERS to obtain a time extension to complete construction of a Special Management Area Use Permit for the renovations and related improvements to the Kaanapali Shores Hotel consisting of roadway improvements on Lower Honoapiilani Road for property situated at 3445 Lower Honoapiilani Road, TMK: 4-4-001: 097 and 103, Kaanapali, Lahaina, Island of Maui. (SM1 2000/0009) (C. Suyama)
3. MS. GWEN OHASHI HIRAGA, Project Manager from MUNEKIYO & HIRAGA, INC, providing annual reports on the disbursement of the funds in the Settlement Agreements pursuant to Condition No. 32 of the Special Management Area Use Permit and Step 2 Planned Development Approvals for the proposed Honua Kai Resort, North Beach Park, and related improvements at TMK: 4-4-014: 006 and 008 and 4-4-001: 010, Kaanapali, Lahaina, Island of Maui. (SM1 2004/0017) (PD2 2004/0005) (C. Suyama)  
The Settlement Agreements involve the developer, MAUI BEACH LIMITED PARTNERSHIP, and the following groups or individuals:
  - a. CHARLES D. FOX III (Intervenor)
  - b. WEST MAUI PRESERVATION ASSOCIATION, INC. (WMPA)
4. Pre-consultation by A&B PROPERTIES, INC. regarding plans for a mixed use redevelopment of the Old Kahului Shopping Center site to accommodate a new town center on property situated on TMK: 3-7-007: 009, 010, 027, 005, 008, and 050, Kahului, Island of Maui. (K. Caigoy) (A. Cua)

#### E. LITIGATION

1. February 6, 2006 Second Circuit Decision in Civil No. 05-1-0384(1), Maui Beach Vacation Club v. The Maui Planning Commission, Chris Hart and Partners, Gregory Schneider, and Genessee Capital regarding intervention on the Maui Lu Redevelopment SMA application. The Court reversed and vacated the Commission order denying intervention by the Applicant. (J. Alueta)

The deadline for filing an appeal on the Second Circuit Court decision is March 8, 2006.

The Commission may confer with its attorneys in deciding whether or not to appeal the Second Circuit Court decision. The Commission may decide to

appeal the decision of the Second Circuit Court.

**\*An Executive Session may be called on this item in order for the Commission to consult with thier attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.**

F. APPROVAL OF MINUTES OF THE JANUARY 24, 2006 MEETING

G. DIRECTOR'S REPORT

1. February 15, 2006 report from the Department of Housing and Human Concerns on In-Lieu Monetary Contributions in Satisfaction of Affordable Housing Requirements.
2. EA/EIS Report
3. SMA Minor Permit Report
4. SMA Exemptions Report

H. NEXT REGULAR MEETING DATE: March 14, 2006

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.

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON EACH ANYAGENDA 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.

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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\carolyn\022806.age)