

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 22, 2005 (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. RENE BERTHIAUME for TRANSPACIFIC HOUSING DEVELOPMENT CORPORATION requesting a Special Management Area Use Permit for the Kenolio Leilani Subdivision, a 7-lot residential subdivision for affordable housing using the R-0 Zero Lot Line Overlay District provisions at 250 Kenolio Road, TMK: 3-9-006: 019, Kihei, Island of Maui. (SM1 2003/0022) (R0 2003/0002) (R. Loudermilk)
 - a. Public Hearing
 - b. Action

2. BROTHERS LLC on behalf of MAUI OIL COMPANY, INC. requesting a Special Management Area Use Permit for the New Carwash and Terminal Improvements project at 16 Hobron Avenue, TMK: 3-7-011: 002, Kahului, Island of Maui. (SM1 2004/0030) (P. Fasi)
 - a. Public Hearing
 - b. Action

3. PACIFIC LAND & HOMES, LLC requesting a Special Management Area Use Permit for the Kanani Wailea Single Family Residential project consisting of thirty-eight (38) single-family residential condominium units, a recreation center, and related improvements located east of Kapili Street near the intersection with Kilohana Drive at TMK: 2-1-008: 112, Wailea, Kihei, Island of Maui. (SM1 2004/0027) (C. Suyama)
 - a. Public Hearing
 - b. Action

C. NEW BUSINESS

1. SAMUEL M. GARCIA, JR. and JON E. GARCIA requesting comments on the Draft Environmental Assessment prepared in support of their Community Plan Amendment from Hotel to Single-Family Residential for the Garcia Family Subdivision, an 11-lot single-family subdivision to accommodate 11 single-family residences at 193 Makena Road, TMK: 2-1-007: 067, Makena, Island of Maui. (EA 2002/0008) (CPA 2002/0009) (K. Caigoy) (J. Alueta)

The EA trigger is the Community Plan Amendment.

SAMUEL M. GARCIA, JR. and JON E. GARCIA have also filed requests for various land use changes consisting of a Community Plan Amendment from Hotel to Single-Family Residential, a State Land Use Reclassification from State Rural District to State Urban District, a change in zoning from Interim District to R-3 Residential District, and a Special Management Area Use Permit for the Garcia Family Subdivision, an 11-lot single-family subdivision to accommodate 11 single-family residences at 193 Makena Road, TMK: 2-1-007: 067, Makena, Island of Maui. (CPA 2002/0009) (DBA 2002/0004) (CIZ 2002/0013) (SM1 2002/0016) (J. Alueta)

The public hearing on the community plan amendment, the district boundary amendment, the change in zoning, and the Special Management Area Use Permit will be scheduled for a later date after the Environmental Assessment process has been completed.

D. COMMUNICATIONS

1. PACIFIC LAND & HOMES, LLC requesting a Step 2 Planned Development Approval for the Kanani Wailea Single Family Residential project consisting of thirty-eight (38) single-family residential condominium units, a recreation center, and related improvements located east of Kapili Street near the

intersection with Kilohana Drive at TMK: 2-1-008: 112, Wailea, Kihei, Island of Maui. (PD2 2004/0010) (C. Suyama)

2. MS. B. NALANI SHAMBLIN, Chair of the Hana Advisory Committee to the Maui Planning Commission submitting the Hana Advisory Committee's recommendations on the application request by OHANA HOTEL COMPANY, LLC requesting a Special Management Area Use Permit for the proposed Hana Ranch Store and related improvements to include the development of a new Hana Ranch Store, re-roof the existing store building and related improvements on Mill Road and Hana Highway at TMK: 1-4-003: 056 (por.) , Hana, Island of Maui. (SM1 2004/0020) (T. Abbott)
3. MR. HIDEO KAWAHARA of A&B PROPERTIES, INC. requesting an amendment to Condition No.1 of the County Special Use Permit relating to a time extension to operate a sewage treatment facility in the County Agricultural District for the Haliimaile Residential Project along Haliimaile Road at TMK: 2-5-003: 010 (por.), Haliimaile, Island of Maui. (CUP 99/0004) (A. Cua)

E. UNFINISHED BUSINESS

1. MR. DAVIS YOGI, State Department of Transportation, Airports Division requesting a Special Management Area Use Permit for the Kahului Airport Improvements project including the construction of a building for the inspection of incoming agricultural air cargo as required by the Alien Species Action Plan for Kahului Airport, construction of a new roadway to provide access to the agricultural air cargo building from Aalele Street and Haleakala Highway, the construction of a general purpose aircraft apron and taxiway and the new Hold Cargo Building, improvements to airport related lease lots, rental car fleet parking, mechanic shop extension, and various utility and infrastructural improvements at TMK: 3-8-1: 19, 100, 127, 134, 189, 192, 209, 226, & 241 and 3-8-079: portion of 21, Kahului, Island of Maui. (SM1 2000/0030) (J. Alueta) (Public hearing was conducted on February 10, 2004)
 - a. ISAAC HALL, attorney for THE KAHULUI AIRPORT COALITION submitting a Petition to Intervene on the State Department of Transportation, Airports Division's Special Management Area Use Permit application for certain Kahului Airport improvements at the Kahului Airport, Kahului, Island of Maui. (SM1 2000/0030) (J. Alueta) (deferred at the February 10, 2004 meeting.)
 - 1) January 28, 2005 letter from Isaac Hall, attorney for The Kahului Airport Coalition regarding a Settlement Agreement

between the Department of Transportation and The Kahului Airport Coalition.

- 2) January 28, 2005 letter from RODNEY K. HARAGA, Director of Transportation, STATE DEPARTMENT OF TRANSPORTATION regarding the January 28, 2005 Settlement Agreement

b. Action on SMA Request

- 1) December 24, 2004 letter from RODNEY K. HARAGA, regarding the downsizing of the SMA request due to funding of projects to implement new security requirements and budgetary constraints.

2. MR. STEVE SEWALL on behalf of INTRAWEST requesting a Special Management Area Use Permit for the Honua Kai project consisting of approximately 624 hotel units, 76 town home units and related amenities, and public park with related improvements at TMK: 4-4-014:006 and 008 and 4-4-001:010, Lot 4 Kaanapali North Beach, Lahaina, Island of Maui. (SM1 2004/0017) (C. Suyama) (public hearing conducted on November 9, 2004)

MR. STEVE SEWALL on behalf of INTRAWEST requesting a Step 2 Planned Development Approval for the proposed Honua Kai Resort consisting of 624 hotel rooms, 76 town homes, related resort improvements, and North Beach Park and public shoreline access on approximately 41.3 acres of land at TMK: 4-4-014: 006 and 008, 4-4-001: 010, Kaanapali, Lahaina, Island of Maui. (PD2 2004/0005) (C. Suyama) (Matter deferred at November 9, 2004 meeting)

MR. STEVE SEWALL on behalf of INTRAWEST requesting clarification as to whether proposed roadway improvements qualify as "other mitigation measures" pursuant to Condition No. 7 of the 1988 Special Management Area Permit and Shoreline Setback Variance for the North Beach Subdivision and Condition No. cc of the 1997 Special Management Area Permit for Kaanapali Ocean Resort., Kaanapali, Lahaina, Island of Maui. (88/SM1-023) (88/SSV-002) (SM1 970006) (C. Suyama) (deferred at the November 9, 2004 meeting)

a. Intervention Requests by:

- 1) MR. ISAAC HALL, Esq. , attorney for THE WEST MAUI PRESERVATION ASSOCIATION, INC. submitting a Petition

to Intervene dated October 22, 2004 on the Special Management Area Use Permit and Step 2 Planned Development Approval requests for the Intrawest Honua Kai project consisting of approximately 624 hotel units, 76 town home units and related amenities, and public park with related improvements at TMK: 4-4-14: 006 and 008 and 4-4-001: 010, Lot 4 Kaanapali North Beach, Lahaina, Island of Maui. (SM1 2004/0017) (PD2 2004/0005) (C. Suyama) (Intervention request granted at the November 9, 2004 meeting.)

a) Settlement Agreement dated February 2, 2005

2) MR. CHARLES D. FOX III, Pro Se submitting a Petition to Intervene dated October 22, 2004 on the Special Management Area Use Permit and Step 2 Planned Development Approval requests for the Intrawest Honua Kai project consisting of approximately 624 hotel units, 76 town home units and related amenities, and public park with related improvements at TMK: 4-4-014: 006 and 008 and 4-4-001: 010, Lot 4 Kaanapali North Beach, Lahaina, Island of Maui. (SM1 2004/0017) (PD2 2004/0005) (C. Suyama) (Intervention request granted at the November 9, 2004 meeting.)

a) Settlement Agreement dated December 15, 2004.

b. Action on the various requests:

- 1) Clarification on whether proposed roadway improvements qualifies as "other mitigative measures"
- 2) Step 2 Planned Development Application
- 3) SMA Application

F. MINUTES OF THE DECEMBER 14, 2005 AND JANUARY 25, 2005 MEETINGS

G. DIRECTOR'S REPORT

1. March 8, 2005 Workshop on Intervention
2. EA/EIS Status Report distributed for the February 8, 2005 meeting
3. EA/ EIS Status Report
4. SMA Minor Permit Report distributed for the February 8, 2005 meeting
5. SMA Minor Permit Report
6. SMA Exemptions Report distributed for the February 8, 2005 meeting
7. SMA Exemptions Report

H. NEXT REGULAR MEETING DATE: March 8, 2005

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 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\022205.age)