

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 13, 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: 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 HEARING (Action to be taken after each public hearing item.)

1. KEITH and PENNY WEIGEL requesting a Type 2 Bed and Breakfast Permit for Penny's Place in Paradise Bed and Breakfast in order to utilize up to four (4) bedrooms in the house for bed and breakfast purposes at TMK: 4-5-013: 014, Lahaina, Island of Maui. The permit request is for the re-issuance of a permit for a previously approved bed and breakfast establishment. (BB2 2005/0001) (L. Callentine)
  - a. Public Hearing
  - b. Action

C. NEW BUSINESS

1. KAPALUA BAY, LLC requesting acceptance of the Final Environmental Impact Statement prepared for the proposed demolition of the Kapalua Bay Hotel and the construction of The Residences at Kapalua Bay project and related improvements located at TMK: 4-2-004: 027, 028, and 029, Kapalua, Lahaina, Island of Maui. (EIS 2005/0001) (K. Caigoy) (J. Hunt) (draft EIS reviewed and site inspection conducted on June 13, 2005)

The Chapter 343, HRS trigger is the proposed actions within the shoreline setback area.

KAPALUA BAY, LLC has also submitted applications for a Special Management Area Use (SMA) Permit and a Shoreline Setback Variance (SSV) for The Residences at Kapalua Bay project. The public hearing date for the SMA and SSV will be at a later date after the applicant has completed the Chapter 343, HRS process.

2. FINANCE HOLDINGS, INC. requesting a determination on the final Environmental Assessment prepared in support of the Special Management Area Use Permit for the proposed Wainee Self-Storage Facility located at TMK: 4-5-007: 004, Lahaina, Island of Maui. (EA 2005/0004) (K. Caigoy) (P. Fasi)

The Chapter 343 HRS trigger is that the project site is located in the Lahaina National Historic Landmark District.

The applicant has also filed an application for a Special Management Area (SMA) Use Permit. The public hearing on the Special Management Area Use Permit will be scheduled for a later after the applicant has completed the Chapter 343 HRS process.

#### D. COMMUNICATIONS

1. MR. ARTHUR J. VENTO, General Manager of the MAUI ARTS & CULTURAL CENTER requesting amendments to Condition Nos. 1 and 2 of their Conditional Permit in order to obtain a 5-year time extension on the period to operate a restaurant and a gift shop and a 5-year time extension on the period to establish the restaurant for the Maui Arts & Cultural Center in the Maui Central Park District at TMK: 3-8-007: por. of 001 and 3-7-001: portion of 002, Kahului, Island of Maui. (89/CP-003) (P. Fasi)
2. MR. CHRISTOPHER L. HART of CHRIS HART & PARTNERS on behalf of WAILEA MF-9 requesting a Step 3 Planned Development Approval for the proposed 120-unit Hoolei Residential Condominium development and related improvements on approximately 30.167 acres of land at TMK: 2-1-008: 119, Wailea, Kihei, Island of Maui. (PD3 2005/0006) (J. Hunt) (Review of the SM1 and Step 2 Planned Development approval requests conducted in December 2004.)
3. MR. GARRETT MARRERO on behalf of AMAKUA HOLDINGS, INC. dba FISH AND GAME BREWING COMPANY & ROTISSERIE requesting a transfer of the Special Accessory Use Permit from Fish and Game Brewing Company & Rotisserie to Amakua Holdings, Inc. in order to continue to keg and sell keg beer at the Kahana Gateway Commercial Complex at 4405

Honoapiilani Highway Suite 217, TMK: 4-3-005: 034, Kahana, Lahaina, Island of Maui. (ACC 990001) (D. Dias)

E. UNFINISHED BUSINESS

1. PARADISE RIDGE LIMITED PARTNERSHIP requesting a Special Management Area Use Permit for the Paradise Ridge Estates project, a 32-unit condominium complex with swimming pool and related improvements at 2757 South Kihei Road, TMK: 3-9-004: 132, Kihei, Island of Maui. (SM1 2001/0010) (A. Cua) (Public hearing conducted on May 24, 2005)
  - a. Untimely Petition to Intervene request by ISAAC HALL, attorney for KENNETH and KATHY BARR on the following Special Management Area Use Permit application: (The Petition to Intervene was filed on May 23, 2005 and was distributed to the Maui Planning Commission at the May 24, 2005 meeting. The public hearing was conducted on May 24, 2005 when an intervention request was granted to the Association of Apartment Owners of Hale Kamaole. Matter last deferred at the Planning Commission's July 12, 2005 meeting at the request of the various parties) (A. Cua)
    - 1) Withdrawal of the intervention request.
  - b. Intervention request of the Association of Apartment Owners of Hale Kamaole granted by the Maui Planning Commission at its May 24, 2005 meeting.)
    - 1) Withdrawal of the intervention request
  - c. Decision making on the Special Management Area Use Permit request.

F. APPROVAL OF MINUTES OF THE JULY 26, 2005 and AUGUST 9, 2005 MEETINGS

G. DIRECTOR'S REPORT

1. \*Review of the proposed Decision and Order on the denial of the untimely Petition to Intervene by MR. GUY A. HAYWOOD, attorney MAUI BEACH VACATION CLUB on the request by CHRIS HART AND PARTNERS on behalf of GENESEE CAPITAL for a Special Management Area Use Permit for the Maui Lu Redevelopment Project consisting for the demolition of existing structures and the redevelopment of the Maui Lu Resort into a 400-unit time share complex with lock-off units, recreational amenities,

landscaping beach nourishment, and related improvements on approximately 27.282 acres of land at 575 South Kihei Road, TMK: 3-9-001: 083, 086, and 120, Kihei, Island of Maui. (SM1 2003/0021) (J. Alueta) (Action taken at the August 23, 2005 meeting.)

\*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.

2. Designation of the Hana Advisory Committee to the Maui Planning Commission to conduct the public hearing on the following application:

MR. MILTON ARAKAWA, Director, DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT requesting a Special Management Area Use Permit for the realignment of a section of Nahiku Road and corollary improvements at TMK: 1-2-003: 058 (por.), Nahiku, Island of Maui. (SM1 2005/0024) (P. Fasi)

3. October 24, 2005 public hearing at 7:00 p.m., at the Lokelani Intermediate School Cafeteria on the following application:

MR. MILTON ARAKAWA, Director of the DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT requesting an amendment to the Piilani Village Project District Map, a Phase II Project District Approval, and a Special Management Area Use Permit for the Kihei Recycling and Redemption Center in Kihei-Makena Project District No. 5 (Piilani Village), TMK: 2-2-002: 042 (portion), Kihei, Island of Maui. (PH2 2005/0005) (SM1 2005/0020) (C. Suyama)

4. EA/EIS Status Report
5. SMA Minor Permit Report
- 6.. SMA Exemptions Report

H. NEXT REGULAR MEETING DATE: September 27, 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.

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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\cardlyn\091305.age)