

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

AGENDA

DATE: March 14, 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. MS. GRACE CONDOS, Managing Member of 120 HANNA HIGHWAY LLC requesting the following land use changes for the Paia Town Center project, the construction of two commercial buildings and related improvements, and the consolidation and resubdivision of the project area from four (4) lots to three (3) lots at 120 and 124 Hana Highway and 20 and 24 Luna Place:
(C. Suyama)
 - a. Community Plan Amendment from Single Family Residential to Business Commercial at 142 Hana Highway and 20 and 24 Luna Place TMK: 2-6-005: 004 (por.), 109, and 025, Paia, Island of Maui. (CPA 2004/0004)
 - b. Change in Zoning from Interim District to B-CT Country Town Business District at 142 Hana Highway and 20 and 24 Luna Place, TMK : 2-6-005: 004 (por.) , 109, and 025, Paia, Island of Maui. (CIZ 2004/0010)
 - c. Special Management Area Use Permit for the Paia Town Center project at 120 and 142 Hana Highway and 20 and 24 Luna Place, TMK: 2-6-005: 004, 109, 025, and 033, Paia, Island of Maui. (SM1 2004/0010)

- a) Public Hearing
- b) Action

2. MR. MICHAEL W. FOLEY, Planning Director, transmitting Council Resolution No. 05-103 referring to the Lanai, Maui, and Molokai Planning Commissions a proposed bill amending Chapter 19.15, Maui County Code, pertaining to B-CT Country Town Business Districts.

The purpose of the amendment is to include multi-family residential, educational, recreational, and related uses as permitted uses in the Country Town Business Districts. (J. Alueta)

- a) Public Hearing
- b) Action

C. COMMUNICATIONS

1. MS. GRACE CONDOS, Managing Member of 120 HANNA HIGHWAY LLC requesting an Offsite Parking Approval to utilize the excess parking on new lots 14-A-2 and 14-A-3 for the Paia Town Center on lot 14-A-1 at Paia, Island of Maui. (OSP 2006/0001) (C. Suyama)

D. NEW BUSINESS

1. KOBAYASHI GROUP, LLC submitting the additional information incorporated into the Final Environmental Assessment which the Department transmitted to the Office of Environmental Quality Control for publication in the March 8, 2006 Environmental Notice prepared in support of the Shoreline Setback Variance and the Special Management Area Use Permit for the proposed redevelopment of the Wailea Renaissance Hotel into a St. Regis condominium hotel and residences consisting of the demolition of the existing structures, the development of 193 condominium units (for sale with hotel amenities) on property and related infrastructure and landscape improvements at 3350 Wailea Alanui Drive, TMK: 2-1-008: 067, Wailea, Island of Maui and various improvements at the adjacent Ulua/Mokapu Beach Park parking area including resurfacing and landscaping at TMK: 2-1-008:088, Wailea, Island of Maui. (EA 2005/0016) (SM1 2005/0035) (SSV 2005/0004) (K. Caigoy) (A. Cua)

A Findings of No Significant Impact (FONSI) was issued with regards to the Final Environmental Assessment at the Commission's February 14, 2006 meeting provided that additional information was included in the Final Environmental Assessment.

The draft EA was reviewed at the Commission's December 13, 2005 meeting.

The EA trigger is the work within the shoreline setback area including the demolition of existing structures (including the Mokapu Wing), installation of a grasscrete emergency vehicle access, installation of a sewerline connection (to an existing sewerline), landscaping, and irrigation.

The applicant has filed for a Step 1 Planned Development Approval, a Step 2 Planned Development Approval, a Special Management Area Use Permit, and a Shoreline Setback Variance together with the Environmental Assessment Review. The public hearing on the Shoreline Setback Variance and the Special Management Area Use Permit will be scheduled for a date after the Chapter 343 process has been completed.

E. UNFINISHED BUSINESS

1. CHRIS HART AND PARTNERS on behalf of GENESEE CAPITAL requesting 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) (Public hearing conducted on July 12, 2005.)
 - a. MR. GUY A. HAYWOOD, attorney MAUI BEACH VACATION CLUB submitting a Petition to Intervene received July 1, 2005 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)
 - 1) PAUL R. MANCINI of MANCINI WELCH & GEIGER, LLP and B. MARTIN LUNA of CARLSMITH BALL LLP, attorneys for GREGORY W. SCHNEIDER and GENESEE CAPITAL submitting a July 11, 2005 Notice to Planning Commission of

the County of Maui Untimely Filing Re: Petition to Intervene filed by Maui Beach Vacation Club before the Planning Commission of the County of Maui, State of Hawaii, Docket No. SM1 2003-0021)

- 2) MR. GUY A. HAYWOOD, attorney MAUI BEACH VACATION CLUB submitting a Supplemental Memorandum in Support of Petition to Intervene; received August 17, 2005 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
 - 3) PAUL R. MANCINI of MANCINI WELCH & GEIGER, LLP and B. MARTIN LUNA of CARLSMITH BALL LLP, attorneys for GREGORY W. SCHNEIDER and GENESEE CAPITAL submitting Applicant's Response to Petitioner's Supplemental Memorandum in Support of Untimely Petition to Intervene received August 22, 2005
 - 4) Second Circuit Court Remand of the denial of the Petition to Intervene for further proceedings per the Findings of Fact, Conclusions of Law, and Order dated February 6, 2006 in the Maui Beach Vacation Club v. Maui Planning Commission et.al. Case, Civil No. 05-1-0384(1)
- b. DENNIS NILES and WILLIAM M. McKEON of PAUL, JOHNSON, PARK & NILES, attorneys for Veronica Ann Pietsch, fka Veronica Ann Stallard, as Trustee of the Veronica Ann Stallard Trust dated March 3, 1994 submitting a Petition to Intervene received on February 28, 2006 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 2003/002)
 - c. Selection of Mediator and Hearings Officer if intervention is granted.
 - d. Action on the Special Management Area Use Permit request.

F. MINUTES OF THE FEBRUARY 14, 2006 MEETING

G. DIRECTOR'S REPORT

1. Rescheduling of the Public Hearing Date in the West Maui Community Plan region to hear the following applications regarding the Maui Land and Pineapple Company's planned Pulelehua Project. The public hearing will deal with the community plan amendment, zoning, and Project District Phase 1 applications for land situated at TMK: 4-3-001: portion of 031, Mahinahina, Island of Maui. (CPA 2005/0005) (CIZ 2005/0004) (PH1 2005/0001) (A. Cua) to April 24, 2006 at 6:30 p.m. at the Lahaina Civic Center Social Hall, 1840 Honoapiilani Highway, Lahaina, Maui, Hawaii 96761
2. EA/EIS Report
3. SMA Minor Permit Report
4. SMA Exemptions Report

H. NEXT REGULAR MEETING DATE: March 28, 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 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.

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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\032806.age)