

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

AGENDA

DATE: April 13, 2004 (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 (Vice-Chair), Bernice Lu, Susan Moikeha, 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. INTRODUCTION OF NEW MEMBER - WILLIAM IACONETTI
- C. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON FOR 2004-2005 YEAR
- D. ORIENTATION WORKSHOP
 - 1. Parliamentary Procedures
 - 2. County Policy Against Sexual Harassment
 - 3. The Sunshine Law
 - 4. Ex parte Communications
 - 5. Discussion of Boards and Commissions Booklet Distributed by the Office of the Corporation Counsel
 - 6. Powers and Duties
 - 7. Rules of Practice and Procedures
 - 8. Land Use Regulatory Framework in Maui County
 - 9. Zoning
 - 10. Special Management Area Rules
 - 11. Shoreline Area Rules
 - 12. Country Town Business Design Guidelines - Paia-Haiku, Makawao-Pukalani-Kula, and Hana Community

13. Chapter 343, HRS, The EA/EIS Process
14. Recent U.S. Supreme Court decisions on takings issues.
15. Public Access Shoreline Hawaii (PASH) v. Hawaii County Planning Commission
16. Meeting Schedule

E. PUBLIC HEARINGS (Action to be taken after each public hearing.) (To begin no earlier than 1:00 p.m.)

1. MR. RAY NAKAGAWA on behalf of PAIA GENERAL STORE, INC. requesting a Special Management Area Use Permit for the proposed partial demolition and reconstruction of 3,290 sq. ft. of the Paia General Store, renovation to a 1,490 sq. ft., two-story office/warehouse building, construction of a new parking lot and related site work, and related improvements at 149 Hana Highway, TMK: 2-6-004: 012, Paia, Island of Maui. (SM1 20030023) (C. Suyama)
 - a. Public Hearing
 - b. Action

F. COMMUNICATIONS

1. MR. ROBERT K. SASAKI, President of A&B PROPERTIES, INC. requesting a two-year time extension on Special Management Area Use Permit period to initiate construction of the Kahului Airport Hotel project consisting of 140 hotel rooms and related improvements on approximately 3.35 acres of land at TMK: 3-8-079: 16 and 17, Kahului, Island of Maui. (SM1 20030003) (A. Cua)

G. UNFINISHED BUSINESS

1. MR. STEVE BUSCH, Regional Vice-President in charge of Construction & Development of MARRIOTT VACATION CLUB INTERNATIONAL requesting a Special Management Area Use Permit for the Maui Vacation Club Sequel Project in order to construct two guestroom buildings (146 units with 292 keys), parking facilities, and pool amenities at Maui Marriott Vacation Club, TMK: 4-4-013: 001, Kaanapali, Island of Maui. (SM1 2002/0026)(J. Alueta) (public hearing conducted on February 24, 2004)
 - a. DONNA Y.L. LEONG of CADES SCHUTTE, attorney for the ASSOCIATION OF APARTMENT OWNERS OF KAA NAPALI ALII CONDOMINIUM and KAA NAPALI ALII RENTAL OWNERS

CORPORATION submitting a Petition to Intervene on the Special Management Area Use Permit request for the Maui Ocean Club Sequel project at TMK: 4-4-013: 001, Kaanapali, Island of Maui. (SM1 2002/0026) (J. Alueta)

- b. ISAAC HALL, attorney for GERALD and BARBARA ROMAIN, THOMAS and ELLEN DUNNION, JOE and BARBARA BONN, BRAD and TERRI FRISSELLE, WAYNE DYER, MARSHA LUCAS, DAVE MELLO, RICHARD RALPH, JESSE D. YOHANAN, JOEL GARBARINO, NATHAN COPELAN. EUGENE and JENNIFER ELLING, DELBERT SMART and JERRY and CONSTANCE KILARE, individually and as some of the members of the KAA NAPALI ALII FRIENDS OF THE ENVIRONMENT submitting a Petition to Intervene on the Special Management Area Use Permit request for the Maui Ocean Club Sequel project at TMK: 4-4-013: 001, Kaanapali, Island of Maui. (SM1 2002/0026) (J. Alueta)
- c. Action on the Special Management Area Use Permit request.

H. APPROVAL OF MINUTES OF THE JANUARY 27, 2004 MEETING

I. DIRECTOR'S REPORT

- 1. Scheduling of site inspection on the following application:

MR. FRANCESCO MORETTI, Director of MALIKO BAY TRADING CO., LLC requesting a Special Management Area Use Permit for the Maliko Bay Subdivision, an 8-lot subdivision and related improvements on 45 acres of land in the County Agriculture District, TMK: 2-7-004: 006 and 2-7-036:031, Haiku, Island of Maui. (SM1 2003/0010) (J.Higa) (Public hearing conducted on March 23, 2004)

- 2. EA/ EIS Status Report
- 3. SMA Minor Permit Report (distributed for March 23, 2004 meeting)
- 4. SMA Exemptions Report (distributed for March 23, 2004 meeting)
- 5. SMA Minor Permit Report
- 6. SMA Exemptions Report

J. NEXT REGULAR MEETING DATE: April 27, 2004

K. ADJOURNMENT

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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\carolyn\041304.age)