

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

## AGENDA

DATE: November 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: 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. FPA KIHEI GROUP, LLC requesting a Special Management Area Use Permit for the Kai Ani Village Multi-family Residential project consisting of the construction of 79 multi-family residential and 20 live/ work units, and related improvements at South Kihei Road near its intersection with Lipoa Street at TMK: 3-9-002: 091 and 134, Kihei, Island of Maui. (SM1 2005/0019) (P. Fasi)
  - a. Public Hearing
  - b. Action
  
2. STAN and HASSIE ZITNIK requesting a Conditional Permit in order to use a converted garage as a business office for an interior designer in the R-2 Residential District located at 2144 Kahookele Street, TMK: 3-4-006: 004, Wailuku, Island of Maui. (CP 2005/0005) (A. Cua)
  - a. Public Hearing
  - b. Action

C. COMMUNICATIONS

1. MR. ISAAC HALL, attorney for Intervenor KIHEI KAUAHALE COMMUNITY ASSOCIATION and MR. GREGORY KAUWE, Authorized Representative of the KIHEI KAUAHALE NANI COMMUNITY ASSOCIATION submitting a November 4, 2005 Petition to Intervene on the application by FPA KIHEI GROUP, LLC for a Special Management Area Use Permit for the Kai Ani Village Multi-Family Residential project, a 79 multi-family residential and 20 live/work units at South Kihei Road, near its intersection with Lipoa Street, TMK: 3-9-002: 091 and 134, Kihei, Island of Maui. (SM1 2005/0019) (P. Fasi)
  - a. MR. B. MARTIN LUNA and MR. BLAINE J. KOBAYASHI of CARLSMITH BALL LLP on behalf of FPA KIHEI GROUP, LLC submitting a November 9, 2005 Motion in Opposition to Petition to Intervene filed on November 4, 2005 by ISAAC HALL and GREGORY KAUWE on the Kai Ani Village SMA application. (SM1 2005/0019)
2. MR. ROBERT POULSON on behalf of HALE O KAULA CHURCH requesting an amendment to Condition No. 1 of the State Land Use Commission Special Use Permit on the period to complete construction of the church improvements within one year from the date of final approval of the subject permit to commencing construction of the church improvements by December 7, 2006 on property consisting of approximately 5.85 acres of land located at TMK: 2-3-008: 032, Kula, Makawao, Island of Maui. (SUP2 990018) (R. Loudermilk)

D. WORKSHOP

Planning Director Michael W. Foley submitting various proposed bills prepared by the Planning Department for discussion: (J. Alueta)

1. Amending Title 19 of the Maui County Code to Revise Application Requirements and Procedures and Enforcement Provisions
2. Amending Chapter 19.32 of the Maui County Code pertaining to Planned Development
3. Amending Title 19, Maui County Code, to revise Land Use Policies relating to Home Occupations
4. Amending Chapter 19.36 of the Maui County Code, pertaining to Off-Street Parking and Loading
5. Amending Chapter 19.84 of the Maui County Code pertaining to the R-0 Zero Lot Line Overlay District
6. Amending Chapter 19.85 of the Maui County Code, pertaining to Adult

- Entertainment Activity
7. Amending Chapter 19.83 of the Maui County Code, pertaining to Cluster Housing Developments
  8. Amending Chapter 19.09 of the Maui County Code pertaining R-0 Zero Lot Line Residential District
  9. Amending Chapter 19.16 of the Maui County Code, pertaining to B-1 Neighborhood Business District
  10. Amending Chapter 19.18 of the Maui County Code, pertaining to B-2 Central Business District
  11. Amending Chapter 19.29 of the Maui County Code, pertaining to Rural Districts
  12. Amending Chapter 19.30A of the Maui County Code, pertaining to Agricultural District

Public hearings on these matters will be duly noticed by the Planning Department in accordance with the Maui County Code for a later date.

E. APPROVAL OF MINUTES OF THE OCTOBER 25, 2005 MEETING

F. DIRECTOR'S REPORT

1. Status of the scheduling of the joint workshop with the Board of Water Supply to discuss water issues.
2. Notifications of Transfer of Permit Holder for the following Special Management Area Use Permits:
  - a. From Mr. Dan Pedersen to Micah, LLC, a Hawaii Limited Liability Company for the Cove Beach Villas project, a 32-Unit Garden Apartment Complex and Related Improvements at 82 Kanani Road, TMK: 3-9-016: 004, Kihei, Island of Maui by letter dated October 9, 2005. (SM1 2002/0024) (D. Dias)
  - b. From Makena Resort Corporation to Makena Wastewater Corporation for the Makena Water Treatment Facility and Wastewater Treatment System at TMK: 2-1-8: 108 (por.), 2-1-5: 86 (por.), 2-1-5: 120 (por.), 2-1-7: 68 (por.), 2-1-5: 108 (por.), Makena, Island of Maui by letter dated October 10, 2005. (SM1 97/0023) (A. Cua)
3. EA/EIS Report
4. SMA Minor Permit Report
5. SMA Exemptions Report

G. NEXT REGULAR MEETING DATE: December 13, 2005

## H. 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\112205.age)