

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

AGENDA

DATE: May 24, 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 except for the Lambert and Sweeney Appeals matter 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.

Public testimony will not be taken on the Lambert and Sweeney appeals as the Maui Planning Commission will be exercising its adjudicatory function pursuant to the provisions of Section 92-6(a)(2) of the Hawaii Revised Statutes as amended.

A. CALL TO ORDER

B. PUBLIC HEARINGS (Action to be taken after each public hearing.)

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)
 - a. Public Hearing
 - b. Action
2. MR. MILTON ARAKAWA, Director, Department of Public Works and Environmental Management requesting a Conditional Permit and an amendment to the State Land Use Commission Special Use permit for the Central Maui Landfill to allow for the Maui EKO Systems/Pacific Biodiesel operation for the processing of cooking oil waste into biodiesel at Pulehu Road, TMK 3-8-003:019, Puunene, Island of Maui. (CP2004/0009)(86/SUP-1) (K. Caigoy)

- a. Public Hearing
 - b. Action
3. MS. CHRIS BORGES requesting a Conditional Permit in order to continue to operate the Maui Grown Market in the County Agricultural District at the intersection of Ulumalu Road and Hana Highway, TMK: 2-8-002: 016, Ulumalu, Haiku, Island of Maui.(CP 20040004) (R. Loudermilk)
 - a. Public Hearing
 - b. Action

C. COMMUNICATIONS

1. MR. RICHARD L. ROST, attorney for the HALE KAMAOLE OWNERS ASSOCIATION submitting a Petition to Intervene dated May 6, 2005 on the application by PARADISE RIDGE LIMITED PARTNERSHIP for 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)
2. MS. CHRIS BORGES on behalf of MGM LIMITED PARTNERS requesting a State Land Use Commission Special Use Permit time extension to allow for the continued operation of the Maui Grown Market on approximately 2.37 acres of land at TMK: 2-8-002: 016, Haiku, Island of Maui. (86/SUP-11) (CP 2004/0004) (R. Loudermilk)
3. MR. BRIAN T. MOTO, Corporation Counsel and MS. MADELYN S. D'ENBEAU, Deputy Corporation Counsel, attorneys for Appellee MICHAEL W. FOLEY, Director, DEPARTMENT OF PLANNING submitting a Motion for Reconsideration dated April 22, 2005 of the "Conclusions of Law" in the "Findings of Fact, Conclusions of Law; Decision and Order" served on April 15, 2005 and further moves for the entry of their Proposed Order attached to the motion on the matter of: the written Decision and Order on the following consolidated appeals :(C. Suyama)(Matter to be heard at 1:00 p.m. or as soon thereafter):
 - a. Kenneth R. Kupchak, Gregory W. Kugle, and Sat Khalsa Freedman of Damon Key Leong Kupchak Hastert, attorneys for KUOHA LLC and Paul and Sherry Lambert appealing the Planning Director's Decision to Rescind the Special Management Area Assessment Determination for the Lambert Residence at TMK: 2-1-011: 014,

Makena, Island of Maui. (SMX 2002/0655) (SM5 2002/0485) (APP 2003/0001)

- b. B. Martin Luna, Gary G. Grimmer, and Karl K. Kobayashi of Carlsmith Ball LLP, attorneys for Charles Sweeney and Nell Sweeney appealing the revocation of their Special Management Area exemption by the Planning Director for the Sweeney Residence at TMK: 2-1-011: 013, Makena, Island of Maui. (SMX 2001/0018) (SM5 2002/0483) (APP 2003/0002) (C. Suyama)

(Commissioners: Please bring the items circulated at the May 10, 2005 meeting with you to the meeting.)

PURSUANT TO SECTION 92-6(a)(2), HAWAII REVISED STATUTES AS AMENDED, PUBLIC TESTIMONY WILL NOT BE RECEIVED ON THESE ITEMS AS THE MAUI PLANNING COMMISSION WILL BE EXERCISING ITS ADJUDICATORY FUNCTION.

D. UNFINISHED BUSINESS

1. MR. ROBERT SASAKI of A&B PROPERTIES, INC., requesting a Change in Zoning for the Maui Business Park Phase II Project from County Agricultural District, M-2 Heavy Industrial District, and R-1 residential District to M-1 Light Industrial District covering approximately 179 acres of land at TMK: 3-8-006: 004 (portion); 3-8-001: 002 (portion); and 3-8-079: 013, Kahului, Island of Maui. (CIZ 2004/0011) (C. Yoshida) (Deferred from the April 26, 2005 meeting.)

E. APPROVAL OF MINUTES OF THE APRIL 12, 2005 AND APRIL 26, 2005 MEETINGS

F. DIRECTOR'S REPORT

1. Department of Housing and Human Concerns Quarterly Report regarding In-Lieu Monetary Contributions in Satisfaction of Affordable Housing Requirements
2. Designation of the Hana Advisory Committee to the Maui Planning Commission to the Maui Planning Commission to conduct the public hearing on the following application:

MR. HARRY T. HASEGAWA requesting a Special Management Area Use Permit the new Hasegawa General Store, consisting of a commercial building with about 10,560 square feet of space and related improvements at TMK: 1-4-003: 031, Hana, Island of Maui. (SM1 2005/0013) (P. Fasi)

3. June 13, 2005 Site Inspections of West Maui Projects - Waivee Village, Kaanapali 2020, Kapalua Village Commercial, Residences at Kapalua, and Pulelehua
4. June 13, 2005 Public Hearing on Kapalua Village Commercial SMA and Phase 2 Project District Approval - 7:00 p.m., Lahaina Intermediate School
5. EA/EIS Status Report
6. SMA Minor Permit Report
7. SMA Exemptions Report

G. NEXT REGULAR MEETING DATE: June 14, 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.

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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.

*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\052405.age)