

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

AGENDA

DATE: JANUARY 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: Star Medeiros (Chair), Randy Piltz (Vice-Chair), Bernice Lu, Susan Moikeha, Suzanne Freitas, Patricia Eason, Johanna Amorin, Diane Shepherd.

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. APPROVAL OF THE AUGUST 28, 2003, NOVEMBER 10, 2003 MEETING MINUTES (distributed for the December 9, 2003 meeting) and OCTOBER 14, 2003
- C. COMMUNICATIONS
 - 1. MR. TADASHI YOSHIZAWA, Acting Public Works Administrator of the DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES requesting a ten (10) year time extension on the Conditional Permit and the State Land Use Commission Special Use Permit for the Hawaii Army National Guard (HIARNG) armory, organizational maintenance shop, service, storage, parking and helipad, and related improvements and future spaces for a post exchange and the Hawaii Air National Guard Facilities on approximately 30 acres of land in Project District 10, Kihei-Makena Community Plan Map, on Mokulele Highway, at TMK: 3-8-008: portion of 001, Pulehunui, Puunene, Island of Maui. (J. Higa) (previously scheduled for the December 9, 2003 meeting)(Commissioners: **Please bring materials with you from December 9, 2003 agenda packet.**)

2. MR. ROY FIGUEIROA, General Manager of MAKENA RESORT CORPORATION requesting an amendment to Condition No. 1 of a Special Management Area Use Permit relating to initiation of construction for the Makena Alanui Roadway Improvement Project located at TMK: 2-1-005: por. of 085 and por. of 108, Makena, Island of Maui. (SM1 2001/0013) (A. Cua) (previously scheduled for the December 9, 2003 meeting.) **(Commissioners: Please bring materials with you from December 9, 2003 agenda packet.)**
 3. Consolidation of the appeals for the purposes of the contested case and matters relating to the contested case and selection of the Hearings Officer regarding the contested case hearings on the following appeals: (previously scheduled for the December 9, 2003 meeting)
 - 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) (M. Niles)
 - 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) (M. Niles)
 4. MS. THERESA KAY MILLER-SANDOVAL requesting a 10-year time extension on the State Land Use Commission Special Use Permit to continue to operate a preschool, Anuenue Preschool within existing church facilities at the Makawao Union Church located in the State Agricultural District at TMK: 2-5-004: 011, Makawao, Island of Maui. (94/SUP-10) (J. Higa)
- D. NEW BUSINESS
1. MR. MILES YEDA of LAHAINA CONGREGATION OF JEHOVAH'S WITNESSES requesting an Environmental Assessment (EA) Determination

on the Final Environmental Assessment document written in support of the Special Management Area Use Permit and a County Special Use Permit applications for the Lahaina Kingdom Hall of Jehovah's Witnesses project consisting of the construction of a new 3,500 square foot church and a 35-stall parking lot at 75 and 91 Puunoa Place, TMK: 4-5-004: 042 and 044, Lahaina, Island of Maui. The EA trigger is the location of the property in the Lahaina National Historic Landmark District. The public hearing on the Special Management Area Use Permit and the County Special Use Permit applications will be scheduled for a future date. (EA 2003/0001) (previously scheduled for the December 9, 2003 meeting) **(Commissioners: Please bring materials with you from December 9, 2003 agenda packet.)**

E. UNFINISHED BUSINESS

1. MR. YUKIHIRO TANAKA on behalf of ELLEAIR HAWAII, INC. requesting an amendment to Condition No. 1 of a Special Management Area Use Permit relating to the initiation of construction for Redevelopment of the Maui Palms Hotel and Renovations for the Maui Beach Hotel on Kaahumanu Avenue, TMK: 3-7-003: 007 and 009, Kahului, Island of Maui. (SM1 2001/0012) (C. Suyama) **(Deferred from the November 25, 2003 meeting and previously scheduled for the December 9, 2003 meeting.) (Commissioners: Please bring materials with you from December 9, 2003 agenda packet.)**
2. AHEAHE MAKANI, LLC requesting an Environmental Assessment Determination for the Kai Makani project, a 112-unit condominium project and related improvements on approximately 10.442 acres of land and the improvements at Mai Poina Oe Iau Beach Park including the provision of 37 parallel parking stalls along South Kihei Road and associated landscape planting at TMK: 3-9-041: 002, 003, 026, 038, and a portion of 027 and TMK: 3-9-001: 025, Kihei, Island of Maui. The proposal involves the use of County lands. The applicant has also applied for a Special Management Area Use Permit and Planned Development Step 1 Approval and the public hearing on the SMA and Planned Development Step 1 requests will be scheduled for a future date. (EA 20020010) (SM1 20020021) (Final EA document previously circulated to the Planning Commission)(Deferred from the 11/25/03 MPC meeting) (J. Alueta) **(Commissioners: Please bring your materials with you.)**

F. PENDING LITIGATION

1. Department of the Corporation Counsel providing updates on the Hale O Kaula Church et. al. v. Maui Planning Commission et. al. , Civil No. CV 01-615 SPK KSC Appeal and the subsequent appeal by the U.S. Department of Justice (Appeals of the denial of the Land Use Commission Special Use Permit request.)

Discussion on the status of the aforementioned appeals including settlement negotiations.

NOTE: With reference to this agenda item, one or more executive meetings, pursuant to Section 92-5(a)(4), HRS, are anticipated to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the Maui Planning Commission.

G. DIRECTOR'S REPORT

1. Designation of the Hana Advisory Committee to the Maui Planning Commission to conduct the public hearing on the following applications:
 - a. HANA COMMUNITY HEALTH CENTER, INC. requesting a State Land Use District Boundary Reclassification from State Agricultural District to State Urban District and a Change in Zoning from the Interim District to the P-1 Public/Quasi-Public District for the Hana Community Health and Wellness Village at 4590 Hana Highway, TMK: 1-4-003: 022 and 024, Hana, Island of Maui. (DBA 2003/0003) (CIZ 2003/0004) (J. Alueta)
 - b. MR. MILTON ARAKAWA of the DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT requesting a Special Management Area Use Permit for the Paihi Bridge Replacement Project to replace existing substandard single-land concrete bridge structure with a new single-lane concrete bridge and temporary single-lane steel panel bridge on Hana Highway located approximately 6.5 miles south of Hana Town at TMK: 1-5-010: 001 and 1-5-010: 002, Hana, Island of Maui. (SM1 20030018) (R. Loudermilk)
2. Scheduling of the public hearing and scheduling of the workshop and site inspection per request from Maui Land and Pineapple Company on the

following applications:

MR. ROBERT MCNATT, Vice-President of MAUI LAND & PINEAPPLE COMPANY, INC., requesting a Community Plan Amendment from Agriculture and Open Space to Project District, a change in zoning from Agricultural District and Interim District to Project District, and a Phase I Project District Approval for the Upcountry Town Center at TMK: 2-3-007: 008, Pukalani, Island of Maui. (CPA 2002/0007) (CIZ 2002/0009) (PH 1 2002/0002) (C. Suyama)

3. SMA Minor Permit Report (prepared for the December 9, 2003 meeting)
4. SMA Exemptions Report (prepared for the December 9, 2003 meeting)
5. SMA Minor Permit Report
6. SMA Exemptions Report

H. NEXT REGULAR MEETING DATE: January 27, 2004

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.

Maui Planning Commission Agenda
January 13, 2004
Page 6

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\011304.age)