

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

AGENDA

DATE: December 13, 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. RICHARD M. SWORD PH.D., INC. requesting a State Land Use Commission Special Use Permit and a Conditional Permit in order to operate a psychologist office in the State and County Agricultural Districts at 30 Ahuwale Place, TMK: 3-4-032: 011, Makawao, Island of Maui. (SUP2 2005/0006) (CP 2005/0009) (R. Loudermilk)
 - a. Public Hearing
 - b. Action

2. MR. RYAN CHURCHILL, President of KAPALUA BAY LLC requesting the following approvals for The Residences at Kapalua Bay project for the demolition of the existing hotel and the construction of resort residential uses including resort homes, a spa, a restaurant, a recreation center, a shoreline trail, shoreline access and related improvements at TMK: 4-2-004: 027, 028, and 029, Kapalua, Island of Maui: (J.Hunt)
 - a. Planned Development Step 1 Approval (PD1 2005/0003)
 - b. Planned Development Step 2 Approval (PD2 2005/0003)
 - c. Special Management Area Use Permit (SM1 2005/0001)
 - d. Shoreline Setback Variance (SSV 2005/0002)

- a) Public Hearing on the 4 above mentioned matters
- b) Action on the 4 above mentioned matters

C. NEW BUSINESS

1. KOBAYASHI GROUP, LLC requesting comments on the draft Environmental Assessment prepared in support of the Shoreline Setback Variance and 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 all the existing structures, the development of 193 condominium units (for sale with hotel amenities) on the 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)

The EA trigger is 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 within the Environmental Assessment Review. After the Chapter 343 HRS process has been completed the other related applications will be noticed and a public hearing date will be scheduled for the Special Management Area Use Permit and Shoreline Setback Variance request.

The Maui Planning Commission is being asked to do the following at this meeting:

- a. Concurrence on the filing of the draft Environmental Assessment (EA) and anticipated FONSI determination with the Office of Environmental Quality Control (OEQC) for publication.
- b. Provide comments on the draft Environmental Assessment.

D. COMMUNICATIONS

1. MR. ANTHONY L. RANKEN, attorney for Intervenor RIDGE VILLAS AT KAPALUA ASSOCIATION OF APARTMENT OWNERS submitting a Petition to Intervene dated November 29, 2005 on the Step 1 and 2 Planned Development Approvals, Shoreline Setback Variance, and Special Management Area Use Permit for KAPALUA BAY, LLC's Residences at Kapalua Bay project. (J. Hunt)
2. MR. ROY FIGUEIROA, General Manager of MAKENA RESORT CORPORATION requesting an amendment to Condition No. 1 of the Special Management Area Use Permit to extend the time to initiate construction of the Makena Alanui Roadway Improvement Project at TMK 2-1-005: 085 (por.) and 108 (por.), Makena, Island of Maui. (SM1 2005/0013) (D. Shupack)
3. MR. STEVE SEWALL of INTRAWEST requesting a Step 3 Planned Approval for the Phase 1 Site Improvements including mass grading, foundation and building plans for the South Enclave, surcharge and stockpiling for the North Enclave, South Pool, cabanas, and towel kiosk and shoreline improvements and Phase 1 landscaping for the proposed Honua Kai Resort at TMK: 4-4-014: 006, Kaanapali, Island of Maui. (PD3 2005/0008) (C. Suyama)

E. UNFINISHED BUSINESS

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) (deferred from the November 22, 2005 meeting)
 - 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)
 - b. MR. ISAAC HALL, attorney for Intervenor KIHEI KAUAHALE NANI COMMUNITY ASSOCIATION and MR. GREGORY KAUWE, authorized representative of the KIHEI KAUAHALE NANI COMMUNITY

ASSOCIATION submitting November 15, 2005 Intervenor's Reply Memorandum in Further Support of Petition to Intervene on the Kai Ani Village SMA application. (SM1 2005/0019)

2. Action on the application by 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) (Public hearing conducted on November 22, 2005)
- F. APPROVAL OF MINUTES OF THE OCTOBER 25, 2005 MEETING(circulated at the November 22, 2005) and MINUTES OF THE SEPTEMBER 27, 2005 MEETING.
- G. DIRECTOR'S REPORT
1. Designation of the Hana Advisory Committee to the Maui Planning Commission to conduct the public hearing on the following application:

MS. CHERYL VASCONCELLOS of the HANA COMMUNITY HEALTH, INC. requesting a State Land Use District Boundary Amendment from the State Agricultural District to the State Rural District for the Hana Community Health and Wellness Village project on approximately 12.106 acres of land at 4590 Hana Highway, TMK: 1-4-003: 022 and 024, Hana, Island of Maui. (DBA 2005/0005) (J. Alueta)
 2. Notifications of Transfer of Permit Holder for the following Special Management Area Use Permits: (carried over from the November 22, 2005 meeting)
 - 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)

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3. EA/EIS Report circulated with the November 22, 2005 agenda
4. EA/EIS Report
5. SMA Minor Permit Report circulated with the November 22, 2005 agenda
6. SMA Minor Permit Report
7. SMA Exemptions Report circulated with the November 22, 2005 agenda
8. SMA Exemptions Report

H. NEXT REGULAR MEETING DATE: January 10, 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.

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\121305.age)