

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

AGENDA

DATE: February 13, 2007 (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: Wayne Hedani (Chair), Jonathan Starr (Vice-Chair), Suzanne Freitas,
Patricia Eason, Johanna Amorin, William Iaconetti, Bruce U'u, John Guard
IV

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. MR. JEFFREY S. HUNT, Planning Director, transmitting Council Resolution No. 06- 131 containing A Bill for an Ordinance Amending Chapter 19.04, Maui County Code, Pertaining to General Provisions and Definitions, and Chapter 19.36 Pertaining to Off-Street Parking and Loading. The purpose of the draft bill is to establish new definitions and standards for residential uses within a single project, in the Village Mixed Use District as allowed in a Project District, the B-2 Community Business District, the B-3 Central Business District, and the B-CT Country Town Business District. (J. Alueta)
 - a. Public Hearing
 - b. Action
2. MAUI LAND & PINEAPPLE COMPANY, INC. requesting a Special Management Area Use Permit for the proposed Improvements at Kapalua Site 6-0 including approximately 58 workforce housing apartment units with a community center, three (3) new light industrial buildings for warehousing, offices, utilities, and resort maintenance with other infrastructural improvements on approximately 6.37 acres of land off Lower Honoapiilani Road in the Kapalua Resort at TMK; 4-2-004: por. of 024, Kapalua, Island of Maui. (SM1 2006/0022) (A. Cua)

- a. Public Hearing
 - b. Action
3. MR. CHARLES T. LUNSON of HAWAIIAN TELCOM requesting a Special Management Area Use Permit in order to construct a 1,230 square foot building addition, new off-street parking area, perimeter fencing, landscaping, and sidewalk improvements for its Kihei Central Office in the R-2 Residential District at 210 Halona Street, TMK: 3-9-017: 043, Kihei, Island of Maui. (SM1 2006/0030) (P. Fasi)
- a. Public Hearing
 - b. Action
4. MS. HELEN M. LUUWAI requesting the following land use changes for the Luuwai Vacation Rental project at 5100 Makena Road, TMK: 2-1-007: 088, Makena, Island of Maui: (C. Suyama)
- a. State Land Use District Boundary Reclassification from the State Rural District to the State Urban District (DBA 2006/0003);
 - b. Change in Zoning from the Interim District to the R-3 Residential District (CIZ 2006/0007); and
 - c. Conditional Permit to utilize a pre-existing four (4) bathroom, four (4) bedroom single family beach home to be used as a transient vacation rental and for special events. (CP 2006/0007)
- a. Public Hearing
 - b. Action

C. COMMUNICATIONS

1. MAUI LAND & PINEAPPLE COMPANY, INC. requesting Step 1 and Step 2 Planned Development Approvals for the proposed Improvements at Kapalua Site 6-0 including approximately 58 workforce housing apartment units with a community center, three (3) new light industrial buildings for warehousing, offices, utilities, and resort maintenance with other infrastructural improvements on approximately 6.37 acres of land off Lower Honoapiilani Road in the Kapalua Resort at TMK; 4-2-004: por. of 024, Kapalua, Island of Maui. (PD1 2006/0002) (PD2 2006/0002) (A. Cua)

The Commission may take action on these requests.

2. ISAAC HALL, attorney for the KAPALUA GOLF VILLAS submitting a Petition to Intervene dated January 30, 2007 on MAUI LAND & PINEAPPLE COMPANY, INC.'s requests for a Step 1 Planned Development Approval, a Step 2 Planned Development Approval, and a Special Management Area Use Permit for the proposed Improvements at Kapalua Site 6-0 including approximately 58 workforce housing apartment units with a community center, three (3) new light industrial buildings for warehousing, offices, utilities, and resort maintenance with other infrastructural improvements on approximately 6.37 acres of land off Lower Honoapiilani Road in the Kapalua Resort at TMK; 4-2-004: por. of 024, Kapalua, Island of Maui. (PD1 2006/0002) (PD2 2006/0002) (SM1 2006/0022) (A. Cua)

The Commission may take action on this request.

3. SUNSTONE KEOKEA, LLC requesting an amendment to the Special Management Area Use Permit plans and a 1-year time extension on the period to initiate construction for the Liloa Subdivision at TMK: 3-9-002: 116, 150, and 151, Kihei, Island of Maui. (SM1 2004/0010) (C. Suyama)

The Commission may take action on these requests.

4. MS. KATRINA JAKEWAY of SPA REJUVA & FITEXPRESS requesting an amendment to an existing Accessory Use Permit to operate a massage school at an existing Day Spa and Fitness Center in the B-R Business Resort District at the Fairway Shops in Kaanapali, 2580 Kekaa Drive, TMK: 4-4-008: 017, Lahaina, Island of Maui. (ACC 2005/0002) (D. Shupack)

The Commission may take action on the request.

5. MR. REY T. PIROS requesting a transfer of the State Land Use Commission Special Use Permit from CHRISTOPHER BERNARD to REY T. PIROS and a 10-year time extension on the Land Use Commission Special Use Permit to operate the Rey-Cel Broadcasting, Inc. facility at 729 Waiakoa Road, TMK: 2-2-009: 022, Kula, Island of Maui. (SUP 920006) (D. Dias)

The Commission may take action on these requests.

D. UNFINISHED BUSINESS

1. BRE/WAILEA, LLC requesting a Step 1 Planned Development Approval, a Step 2 Planned Development Approval, and a Special Management Area Use Permit for the Wailea Marriott Resort Renovations and Upgrades project

on 21.89 acres of land at TMK: 2-1-008: 061 & 076, Wailea, Kihei, Island of Maui. (PD1 2005/0001) (PD2 2005/0001) (SM1 2005/0008) (T. Abbott) (The public hearing was held in September 2005.)

- a. Intervention by MR. DAVID NAKAMURA, attorney for LAI HONU LLC and the ASSOCIATION OF APARTMENT OWNERS OF THE WAILEA BEACH VILLAS in the proceedings for the above mentioned permit requests. Intervention was granted by the Maui Planning Commission at its October 25, 2005 meeting.)
- b. Settlement Agreement presented in January 2007 between the applicant BRE/WAILEA LLC and the Intervenors LAI HONU LLC and the ASSOCIATION OF APARTMENT OWNERS OF THE WAILEA BEACH VILLAS.

The Commission may take action on the Step 1 Planned Development Approval, the Step 2 Planned Development Approval, and the Special Management Area Use Permit requests.

D. SETTLEMENT

1. Corporation counsel will present a settlement agreement with a recommendation for action by the Commission arising out of a contested case between MICHAEL BASKIN and the COUNTY OF MAUI PLANNING DEPARTMENT regarding Notices of Violation issued (V 2005/0033, V2005/0034, V 2005/0035) for alleged Special Management Area and Shoreline Setback infractions for properties situated at 21 Holo Place (TMK: 2-6-008: 021) and 27 Holo Place (TNK: 2-6008: 029), Paia, Island of Maui. (T. Abbott)

* **An Executive Session may be called by the Commission in order to discuss their duties, powers, and liabilities as it relates to the subject settlement agreement.**

E. MINUTES OF THE NOVEMBER 28, 2006 and JANUARY 9, 2007 MEETINGS

F. DIRECTOR'S REPORT

1. Scheduling of the Site Inspection of Various Kapalua Projects: (A. Cua)
 - a. Kapalua Coastal Trail EA and SMA Applications
 - b. Kapalua Ritz-Carlton SMA Application for Renovations
 - c. Kapalua Central Resort SMA and Phase 2 Project District Applications

The Commission may decide on a date, starting time, and meeting place to begin the site inspections.

2. Scheduling of the public hearing in West Maui on the following project district applications:
 - a. W2005 KAPALUA/ GENGATE HOTEL REALTY, LLC requesting a Phase 2 Project District Approval and a Special Management Area Use Permit for the Proposed Lobby and Common Area Improvements at the Ritz Carlton Kapalua, 1 Ritz-Carlton Drive, TMK: 4-2-004: 021, Kapalua, Lahaina, Island of Maui. (SM1 2006/0039) (A. Cua)
 - b. MR. RYAN CHURCHILL of MAUI LAND & PINEAPPLE COMPANY requesting a Phase II Project District Approval and Special Management Area Use Permit for the proposed Kapalua Central Resort Project on 34 acres of land within the Kapalua Resort consisting of multi-family residential units, administrative facilities, and the realignment of Office Road and a 15-lot larger lot subdivision at TMK: 4-2-004: portion of 024, Kapalua, Lahaina, Island of Maui. (PH2 2006/0006) (SM1 2006/0029) (A. Cua)
3. Planning Commission Projects/Issues
4. Status of the Kahoolawe Site Inspection
5. EA/EIS Report
6. SMA Minor Permit Report
7. SMA Exemptions Report

G. NEXT REGULAR MEETING DATE: FEBRUARY 27, 2007

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. The deadline for filing a timely Petition to Intervene was on January 30, 2007.

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.

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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\012307.age)