

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 8, 2008 (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: Johanna Amorin (Chair), Wayne Hedani (Vice-Chair), William Iaconetti,
Bruce U'u, John Guard IV, Jonathan Starr, Kent Hiranaga, Joan Pawsat,
Douglas Mardfin

- A. CALL TO ORDER
- B. INTRODUCTION OF NEW MEMBER - DOUGLAS MARDFIN
- C. Decision making on the contested case hearing conducted by Hearings Officer Keith Hunter on the following application:

CHRIS HART AND PARTNERS on behalf of GENESEE CAPITAL requesting a Special Management Area Use Permit for the Maui Lu Redevelopment Project consisting of the demolition of existing structures and the redevelopment of the Maui Lu Resort into a 400-unit time share complex with lock-off units, recreational amenities, landscaping, beach nourishment, and related improvements on approximately 27.282 acres of land at 575 South Kihei Road, TMK: 3-9-001: 083, 086, and 120, Kihei, Island of Maui. (SM1 2003/0021) (A. Cua for J. Alueta) (public hearing was conducted and closed on July 12, 2005.)

MR. GUY A. HAYWOOD, attorney for MAUI BEACH VACATION CLUB submitting a Petition to Intervene received on July 1, 2005 on the request by CHRIS HART AND PARTNERS on behalf of GENESEE CAPITAL requesting a Special Management Area Use Permit for the Maui Lu Redevelopment Project consisting of the demolition of existing structures and the redevelopment of the Maui Lu Resort into a 400-unit time share complex with lock-off units, recreational amenities, landscaping, beach nourishment, and related improvements on approximately 27.282 acres of land at 575 South Kihei Road, TMK: 3-9-001: 083, 086, and 120, Kihei, Island of Maui. (SM1 2003/0021) (A. Cua for J. Alueta) (Intervention request was granted at the March 14, 2006 Maui Planning Commission meeting. Keith Hunter was selected as the Hearings Officer at the same meeting.)

(Commissioners: Please review the items as distributed at the November 13, 2007 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.

The Commission may take action on the Special Management Area Use Permit request.

1. Hearing Officer Keith Hunter's Report and Recommended Findings of Fact, Conclusions of Law and Decision and Order.
2. Guy Haywood, attorney for Intervenor MAUI BEACH VACATION CLUB submitting Exceptions to the Hearing Officer's Report and Recommended Findings of Fact, Conclusions of Law, and Decision and Order.
3. Paul Mancini of Mancini Welch & Geiger and B. Martin Luna of Carlsmith Ball, attorneys for applicant GENESEE CAPITAL submitting a Memorandum in Support of the Hearing Officer's Report and Recommended Findings of Fact, Conclusions of Law, and Decision and Order.

Public Testimony will be taken at 1:00 p.m. or as soon thereafter on any remaining agenda items, besides decision making on the Maui Lu Redevelopment contested case hearing, 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 items comes up before the Commission, unless new or additional information will be offered.

Public testimony will not be taken on the decision making on the Maui Lu Redevelopment Special Management Area Use Permit contested case 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.

Testifiers: Please be advised that applications for Community Plan Amendment, State District Boundary Reclassification, Change in Zoning, Conditional Permit, Type 3 Bed and Breakfast Permit require the approval of the Maui County Council. In order to be notified of future agendas of the Maui County Council please notify the Office of Council Services at (808) 270-7838 or by mail to

the Maui County Council, 200 S. High Street, Wailuku, Maui, Hawaii 96793.

D. PUBLIC HEARING (Action to be taken after each public hearing item. Public hearing item to be taken up no sooner than 1:00 p.m.)

1. JOSEPH F. SALVADOR and NARDA E. SALVADOR, Trustees of THE SALVADOR 1992 REVOCABLE TRUST AGREEMENT requesting a Special Management Area Use Permit for the Salvador Residence Renovation and Addition at 43 Puamelia Place 3C, TMK: 4-6-029: 016, Puamana, Lahaina, Island of Maui. (SM1 2007/0001) (L. Callentine)

- a. Public Hearing
- b. Action

E. COMMUNICATIONS

1. LAHAINA CANNERY MALL, LLC requesting review and comments of its traffic management plan to address onsite traffic mitigation measures such as the use of onsite traffic monitors, signage, and geometric improvements at driveways pursuant to Condition No. 20 of the Special Management Area (SMA) Use Permit for the Lahaina Cannery Mall Expansion Project and Related Improvements at TMK: 4-5-011: 002, 003, and 004 and 4-5-008: 001(por.), Lahaina, Island of Maui. (SM1 2006/0002) (P. Fasi) (Planning Department's Report circulated with December 11, 2007 agenda packet. Commissioner: Please bring the Departmental Report with you.)

The Commission may offer comments on the proposed traffic management plan. The Commission needs to comment prior to the issuance of the building permit.

F. UNFINISHED BUSINESS

1. MR. JEFFREY S. HUNT, Planning Director transmitting Council Resolution No. 07-108 referring A Bill for an Ordinance to Prohibit Superstores in Maui County to the Lanai, Maui, and Molokai Planning Commissions. (RFC 2007/0099) (J. Alueta) (Public hearing conducted on December 11, 2007. Commissioners: Please bring your materials with you.)
2. a. HMC MAUI LLC requesting a Special Management Area Use Permit for the Hyatt Regency Maui Timeshare Project, a 12 story, 131 unit timeshare structure with related improvements on 36.57 acres located at TMK: 4-4-013: 003, 004, 005, & 006, Kaanapali, Lahaina, Island of

Maui. (SM1 2006/0001) (J. Dack) (Public hearing conducted on December 11, 2007. Commissioners; Please bring your materials with you.)

The Commission may take action on the request.

- b. HMC MAUI LLC requesting an offsite parking approval for a 12 story, 131 unit timeshare structure with related improvements on 36.57 acres located at TMK: 4-4-013: 003, 004, 005 & 008, Kaanapali, Lahaina, Island of Maui. (OSP 2006/0007) (J. Dack) (The Commission reviewed this request on December 11, 2007. Commissioners: Please bring your materials with you.)

The Commission may take action on this request.

G. APPROVAL OF MINUTES AND ACTION MINUTES OF NOVEMBER 13, 2007 MEETING

H. DIRECTOR'S REPORT

1. MR. BLAINE J. KOBAYASHI of CARLSMITH BALL, attorney for MICHAEL BASKIN submitting a December 12, 2007 letter withdrawing his appeal due to the resolution of issues with the Planning Department on the following appeal:

MR. BLAINE J. KOBAYASHI of CARLSMITH BALL, LLP attorney for MICHAEL BASKIN appealing by filing of October 8, 2007 the Director of Planning Jeff Hunt's decision by letter dated September 26, 2007 concerning Special Management Area and Shoreline Assessments for structures and/or activities located at 23 Nalu Place (owner Michael Baskin), TMK: 2-6-002: 019, Paia, Island of Maui. (APPL 2007/0001) (SMX 2007/0218) (RFC 2007/0143) (BT 2007/1356) (T. Abbott) (Copies of the appeal were distributed to the Maui Planning Commission at its October 23, 2007 meeting)

2. Planning Department's Follow-Up Report on Matters raised by the Maui Planning Commission at the December 11 meeting.
3. Planning Commission Projects/Issues
4. EA/EIS Report
5. SMA Minor Permit Report
6. SMA Exemptions Report

I. NEXT REGULAR MEETING DATE: January 22, 2008

J. 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 December 21, 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.

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\010808.age)