

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

## AGENDA

DATE: March 11, 2008 (Tuesday)  
TIME: 8:30 A.M.  
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building,  
250 South High Street, Wailuku, Maui, Hawaii 96793

Public Testimony will be taken on any remaining agenda items, besides decision making on the Maui Lu Redevelopment SMA 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.

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

A. CALL TO ORDER

B. PUBLIC HEARING (Action will be taken after public hearing.) (To begin no sooner than 9:00 a.m.)

1. GRAND KAHANA INVESTMENTS, LLC requesting a Conditional Permit to allow an office for timeshare, real estate, and activities sales, and management in the H-M Hotel District at 4242 Lower Honoapiilani Road, TMK: 4-3-010: 013-0106, Kahana, Island of Maui. (CP 2006/0009) (J. Dack) (previously scheduled for the February 12, 2008 meeting.)

- a. Public Hearing
- b. Action

C. REOPENED CONTESTED CASE HEARING (To begin no earlier than 9:00 a.m.)

- 1. 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 and oral argument was conducted on January 8, 2008.)

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 previously distributed concerning this matter.)

- 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 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.**

The Commission requested at its January 8, 2008 meeting that it receive the following at the reopened contested case hearing on March 11, 2008:

- (a) receive a presentation by the applicant;
- (b) take further testimony from the Applicant's consultants;
- (c) receive a written report from the Maui County Planning Department concerning the Hearing Officer's Proposed Findings of Fact, Conclusions of Law, Decision and Order and the subject application; and
- (d) take testimony from the Planning Department staff concerning the same.

After concluding the reopened contested case hearing, the Commission may take action on the following:

- a. The Intervenor Maui Beach Vacation Club (MBVC)'s Motion to Dismiss the Special Management Area Application.
  - b. The Special Management Area Use Permit Application.
- D. APPROVAL OF MINUTES AND ACTION MINUTES OF JANUARY 22, 2008 MEETING
- E. DIRECTOR'S REPORT
1. Notification of an SMA Emergency Permit pursuant to the provisions of the Special Management Area (SMA) Rules of the Maui Planning Commission:  
  
COUNTY DEPARTMENT OF PARKS AND RECREATION requesting a Special Management Area Emergency Permit and Shoreline Setback Administrative Approval for the restoration of life guard services at Kamaole

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II Beach Park, TMK: 3-9-005: 029, Kihei, Island of Maui. (SM3 2008/0001)  
(SSA 2008/0002) (T. Abbott)

2. Planning Department's Follow-Up Report on Matters raised by the Maui Planning Commission at the February 26, 2008 meeting.
3. Planning Commission Projects/Issues
4. EA/EIS Report
5. SMA Minor Permit Report
6. SMA Exemptions Report

F. NEXT REGULAR MEETING DATE: March 25, 2008

G. 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\031108.age)