

KAUAI PLANNING COMMISSION  
REGULAR MEETING

**Tuesday, July 24, 2007**

**9:00 A.M.**

**Lihue Civic Center, Moikeha Building  
Meeting Room 2A-2B  
4444 Rice Street, Lihue, Kauai, Hawaii**

**AGENDA**

Call to Order

Approval of the Agenda

Minutes – Meetings of April 10, 2007 and June 12, 2007

**A. GENERAL BUSINESS MATTERS**

**B. COMMUNICATION**

1. Letter (7/17/07) from Harold Bronstein, requesting to take all steps necessary to amend and/or modify the Planning Commission's decision of February 27, 2007 relating to Building Location, Material and Design Review for a Single-Family Residence on Lot 6, Wainiha II Subdivision, S-84-58, further identified as Tax Map Key: (4) 5-8-09: 45 = **Joseph Brescia**.
2. Letter (7/17/07) from Harold Bronstein, requesting to take all steps necessary to amend and/or modify the Planning Commission's decision of June 12, 2007 relating to the Building Location, Material and Design Review for a Single-Family Residence on Lot 7, Wainiha II Subdivision, S-84-58, further identified as Tax Map Key: (4) 5-8-09: 46 = **Anthony Kiedis**.

**C. SUBDIVISION** - Action on subdivision matters listed in the Subdivision Committee Agenda (attached).

**D. UNFINISHED BUSINESS**

1. Request to modify condition relating to Subdivision Application No. S-76-60 = **Antone M. Souza**, relating to a 7-lot subdivision of property in Lawai, further identified as Tax Map Key: (4) 2-5-05: 10, 11 (Reconsideration of Planning Commission's decision to deny the application for a waiver of the condition that Akemama & Ili Roads be improved to County road standards approved and referred to staff 6/26/07.
2. Use Permit U-2007-17 and Class IV Zoning Permit Z-IV-2007-22 = **Kauai Care Center**. (To allow expansion (for an additional 20 care home beds with lounge, dining room, kitchen, laundry room, medical records storage room, physical therapy room, offices and reception area containing a total floor area of approximately 10,440 square feet, and additional offstreet parking area with access along Makeke Road) of an existing care home facility, Waimea, Tax Map Key 1-6-09:29, 30, 32, 35 & 41.) [Hearing continued 5/8/07, closed 6/12/07.]
  - a. Letter (7/9/07) from Jonathan J. Chun, Esq., consenting to an extension of time for action beyond the sixty day period, not to extend beyond 8/14/07.

**D. UNFINISHED BUSINESS (Cont'd)**

3. Letter (6/8/07) from Lorna A. Nishimitsu, Esq., requesting a modification to Condition 11 of Special Management Area Use Permit SMA(U)-2007-7, Tax Map Key (4) 5-2-4: 77, Seacliff Plantation, **Chris A. Mann and Kriss A. Mann**. [Communication deferred 6/26/07, deferred 7/10/07.]
4. Request to modify the permits by amending conditions #1, #8, #9, #12 and #20 of Special Permit SP-93-01, Use Permit U-93-1, and Class IV Zoning Permit Z-IV-93-1 = **Jeffrey S. Linder aka Kula Educational Trust (Kula High and Intermediate School)**, and to include parcel 11 to school campus, Tax Map Keys 5-1-6:11 and 12.) [Hearing closed 4/10/07, deferred 5/22/07, deferred 7/10/07.]
5. Special Management Area Use Permit SMA(U)-2007-12, Use Permit U-2007-23, Special Permit SP-2007-5 and Class IV Zoning Permit Z-IV-2007-27 = **Verizon Wireless**. (To establish a 1,720 sq. ft. telecommunication facility consisting of a prefab equipment shelter and approx. 54 ft. high monopole structure designed to appear as a palm tree with fronds, Anahola, Kauai, Tax Map Key 4-8-6: 2.) [Hearing closed 7/10/07.]
6. Executive Session:  
Pursuant to Hawaii Revised Statutes Sections 92-5(a)(4), the purpose of this executive session is to:  
Consult with the County's legal counsel for the purpose of reviewing procedural matters pertaining to Federal Case No. CV0600570HGBMK and State Case No. 07-1-0028 = **Koloa Marketplace, LLC**. This consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Planning Commission as it relates to this agenda item.
7. Action on the motion to reconsider that was passed by the Commission on July 10, 2007 relating to pavilions 1 and 3 of the Kapaa to Kealia Bike and Pedestrian Path Project as requested by the County Engineer.

**E. PUBLIC HEARING (1:30 P.M. OR SHORTLY THEREAFTER)**

**1. Continued Public Hearing**

- a. To amend Special Permit SP-86-3, Use Permit U-86-5, and Class IV Zoning Permit Z-IV-86-5 = **Koloa Rum Corporation**. (To allow the construction of a rum tasting facility and distillery, Tax Map Key 3-4-05:1.) [Hearing continued 3/27/07, continued 4/24/07, continued 5/22/07, continued 6/26/07.]
  1. Letter (7/18/07) from Lorna A. Nishimitsu, Esq., requesting continuance of hearing.
- b. Use Permit U-2007-20 and Class IV Zoning Permit Z-IV-2007-24 = **Koloa Creekside Estates, L.P.**. (To allow the development of a condominium property regime (CPR) project consisting of nine (9) CPR units with initial development proposed on Unit 9 of the project containing 72 multi-family residential units and 144 off-street parking stalls including a common element roadway access and wastewater pump station, Koloa, Tax Map Key 2-8-09: 1. [Hearing continued 5/22/07, continued 6/26/07.]
  1. Letter (7/9/07) from Jonathan J. Chun, Esq., to Koloa Community Association (KCA) requesting comments from KCA regarding the design and character of the proposed project.
  2. Letter (7/18/07) from Jonathan J. Chun, Esq., with enclosed rendering showing the revision to Building 3 and Building 4 which buildings border Weliweli Road and Waikomo Road, respectively, with a revised site plan and parking plan. In addition, a revised Design Guidelines for Units 1 through 8, which includes a sample rendering of a dwelling that would

meet these criteria.

- c. To amend Special Permit SP-98-7, Use Permit U-98-33 and Class IV Zoning Permit Z-IV-98-41 = *Kauai Christian Fellowship*. (To allow additions to the existing church facility consisting of a gymnasium, staff housing, office complex, barn and skate park, Poipu, Tax Map Key 2-8-22: 21.) [Hearing continued 6/26/07.]

## 2. New Public Hearing

- a. Consideration of Condition #8 of Ordinance No. PM-2004-368, relating to an extension of time that is necessary to obtain final subdivision approval, Kapaa Homesteads, Tax Map Key 4-6-39: 29 = *Jensen Homes of Hawaii*.

## F. NEW BUSINESS

1. Condition #8 of Ordinance No. PM-2004-368 = *Jensen Homes of Hawaii*.

## G. ADJOURNMENT

**EXECUTIVE SESSION:** Pursuant to Hawaii Revised Statutes (“H.R.S.) Section 92-7(a), the Planning Commission may, when deemed necessary, hold an executive session on an agenda item without prior written public notice if the executive session was not anticipated in advance. Such executive session shall be held pursuant to HRS Section 92-4 and shall be limited to those items described in HRS Section 92-5(a).

**NOTE:** Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-6677.

KAUAI PLANNING COMMISSION  
SUBDIVISION COMMITTEE MEETING

Lihue Civic Center, Moikeha Building  
Meeting Room 2A-2B  
4444 Rice Street, Lihue, Hawaii 96766

**Tuesday, July 24, 2007, 8:00 A.M.**

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**A. GENERAL BUSINESS MATTERS**

**B. COMMUNICATIONS**

**C. UNFINISHED BUSINESS**

**D. NEW BUSINESS**

1. Tentative Subdivision Action:

- a. S-2007-30 = *McBryde Sugar Company, Ltd.* 3-lot Subdivision  
TMK: 2-6-04:19  
Kōloa, Kauaʻi

2. Tentative Subdivision Extension Requests:

- a. S-2005-35 = *Caroline A. O. Chow, et.al./  
Keith T. Fujimura, et.al.* 2-lot Boundary Adjustment  
TMK: 3-2-02:20, 28  
Niumalu, Kauaʻi
- b. S-2005-43 = *The Canela Group, LLC.* 4-lot Subdivision  
TMK: 5-8-12:05  
Wainiha, Kauaʻi
- c. S-2005-44 = *The Canela Group, LLC.* 3-lot Subdivision  
TMK: 5-8-12:05  
Wainiha, Kauaʻi

3. Modification of Requirement/Condition Action:

- a. S-88-111 = *Antony S. Lijphart & Carol A.  
Hazenfield (formerly William F. Mowry)* 6-lot Subdivision  
TMK: 5-4-04:10, 36-40  
Hanalei, Kauaʻi

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