

**Name:** Mark Hyde  
**Agenda Item:** C.2 Subarea 2 | North Kihei  
**Date Received:** 7/14/23 via email

July 14, 2023

Community Plan Advisory Committee South Maui  
Community Plan Update  
c/o Department of Planning  
2200 Main Street  
Wailuku, HI 96793 Sent via email

Re: Agenda Item C.2, Sub Area 2, North Kihei  
Response to Harry Lake's Letter to CPAC

Ten plus years ago I participated in the LUC contested case regarding the proposed retail and commercial "Mega Mall" development proposed by the property owners for the 88 acre parcel of land abutting Pi'ilani Highway in North Kihei described in Harry Lake's letter to you dated July 10, 2023. At the time I was the president of South Maui Citizens for Responsible Growth, a party to the contested case.

**It is my considered opinion based on intimate knowledge the history of the land, the 1995 proceedings and subsequent land ownership, and of the LUC contested case proceedings and outcome, that Small Town Center designation would not comply with the 1995 Order in any shape or form.**

In 1995 the LUC approved reclassification of the land from agricultural use to urban designation for development of a 123-lot light industrial park to be known as "Kaonoulu Industrial Park".

The LUC's 1995 of Fact, Conclusions of Law, Decision and Order state, among many other things, the following:

**21. Petitioner proposes to develop the Property as the Kaonoulu Industrial Park, a 123-lot commercial and light industrial subdivision. Improved lots are proposed to be sold in fee simple or leased on a long-term basis. The size of the lots will range from approximately 14,000 square feet to 54,000 square feet.**

32. The Project would conform with the proposed Light Industrial designation for the Property. Light industrial uses include warehousing, light assembly, and services and craft-type industrial operations.

36. . . . There is a shortage of commercial and light industrial space for business servicing the Kihei-Makena region.

37. Petitioner has represented that the Property presents a convenient location for future commercial and light industrial development . . . .

Following a long list of representations made to the LUC by the Petitioner, coupled with the LUC's many findings of fact, it Ordered a conditional land use change, including the following standard language inserted in all such orders:

**15. Petitioner shall develop the Property in substantial compliance with the representations made to the Commission. Failure to so develop the Property may result in reversion fo the Property to its former classification, or change to a more appropriate classification.**

Needless to say, the proposed Mega Mall development was found non-compliant. Likewise Small Town Development uses would be similarly non-compliant.

Mark Hyde