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Subject: **Kaonoulu Marketplace/Piilani Promenade**

Charlene, I know you have a lot on your plate at present with Ms. Huffman and all but here is something I need some assistance on. The following condition comes directly from the Decision and Order for the Kaonoulu Ranch District Boundary Amendment approved in 1995 and I have underlined the section I am inquiring about:

Condition 5 - Petitioner shall fund, design and construct necessary local and regional roadway improvements necessitated by the proposed development in designs and schedules accepted by the State Department of Transportation and the County of Maui. Petitioner shall provide traffic signals at the intersection of Piilani Highway and Kaonoulu Street, and shall submit a warrant study in coordination with the Department of Transportation. Petitioner shall also install a fence and appropriate screening, i.e. landscaping, etc., along the highway right-of-way in coordination with the State Department of Transportation. Petitioner shall provide for a frontage road parallel to Piilani Highway and other connector roads within the Petition Area, in coordination with other developments in the area with the review and approval of the State Department of Transportation and the County of Maui.

The last sentence of the condition addresses the provision of a frontage road to serve the project area and uses adjacent to the subject property with the review and approval of your department and the County of Maui. I cannot answer the question as to whether Kaonoulu Ranch ever discussed this section of the condition with either agency but I do know that upon the acquisition of the property by Maui Industrial Partners in 2005 meetings were set between SDOT and the ownership, represented by Warren Unemori and his staff, to discuss the circulation design for the project with the goal being submittal of civil construction drawings needed for final subdivision approval. There was discussion about the frontage road concept and how such a concept could be incorporated into the plan given the alignment and level of service planned for the Kihei/Upcountry Highway (KUH), the uses already established to the north of the project area and the drainage constraints to the south of the project area and land control issues as well. Another major factor to consider is this condition was imposed in 1995 when the Piilani Highway was only two lanes with no plans to widen to four lanes and the KUH was nowhere to be found much less located in the project area with a major intersection at the Piilani Highway. I have taken the last sentence and reviewed it section by section as follows:

Frontage Road Parallel to Piilani Highway

- A frontage road within the Piilani Highway is not possible given the ROW width and the planned intersection with the Kihei/Upcountry Highway located in the project area,
- A frontage road located within the Piilani ROW or within the project area would have to respond to proper intersection distance relationships with the Piilani/KUH intersection placing

the roadway more in the middle of the project area,

Connections to Roads in the Petition Area

· The circulation plan for the petition area includes one access point on the Piilani Highway and the construction of the first increment of the Kihei/upcountry Highway (East Kaonoulu Street) through the petition area. There are two intersections with East Kaonoulu Street providing access into the petition area and the circulation system serving the light industrial/commercial areas. The locations of these intersections are established by the subdivision lot boundaries and the correct spacing from the intersection with Piilani Highway. Parallel access from the Petition Area north to Ohukai Street (a Maui County road) was obtained by the Original Petitioner by an access easement granted by the adjacent landowner (i.e., Haleakala Ranch). This easement, which is described within the final subdivision plans for the Petition Area, establishes the parallel access described in this condition, and is available for use by adjacent landowner Honua'ula Partners, LLC. In addition, the Kihei Mauka project area proposed by both Kaonoulu Ranch and Haleakala Ranch is anticipated to include roads running Mauka and North/South from the Petition Area, which in the future will connect to Mokulele Highway along with other East/West connector roads.

Connecting to other roads in the area

· Connectivity to any uses north or south of the project area is not available. I have attached the subdivision maps for the area north of the project area for which there was vacant land at the time the DBA was awarded to the owner. In 1996 and 2002 subdivisions were approved for the areas consistent with light industrial zoning with no access allowed from the Promenade project boundary through the use area to Ohukai Street. There was and there is not now any public access through this light industrial area. I have attached the subdivision maps for your reference.

With regard to the areas south of the project area Kulanihakoi Gulch is a major infrastructure impediment to any future roadway crossing and the planned Kihei High School has not made any provisions for a connection through the Promenade property to the KUH for access into or out of the area. At the time the DBA was awarded to Kaonoulu Ranch there were no developments plans whatsoever for the area south of the Promenade properties.

Review by the State Department of Transportation and County of Maui

· The design for the circulation system within the petition area and the standards for the location of East Kaonoulu Street were established through discussions with and plan review by both of these agencies and reflect the changes to Piilani Highway, the restricted access limitations for Piilani Highway and East Kaonoulu Street, and design standards provided by SDOT.

In summary, the provision for a frontage road as described in condition 5 may have made some degree of sense to the SLUC in 1995 but given the changes to Piilani Highway, the location of

the KUH and evolution of properties to the north and south of the project area the practicality of this concept makes no sense today and I think you would agree with me. I do not expect the SLUC to change this condition nor am I going to ask for a change but I do think a rational explanation as to what consideration was given to this provision and why the concept is not workable would be acceptable given the fact we are providing internal circulation functioning like frontage roads. To that end would you be willing to send me an email stating the obvious:

1. There was not and there is not now adequate ROW for a frontage road nor are there any logical connectors for such a road outside the project area,
2. Internal connections to the KUH limiting access and providing circulation within the project are provided and function like frontage roads,
3. Land uses to the north and south of the project area do not provide any logical connection,
4. The circulation system design responds to the current level of improvement for the Piilani Highway, the location of the KUH, intersection relationships between the Piilani Highway and the KUH, meets the needs of SDOT and is pending approval.

Call me to discuss when you have a chance

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