

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

## AGENDA

DATE: February 10, 2009 (Tuesday)  
TIME: 8:30 A.M.  
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii 96793

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

Public testimony will be taken at the start of the meeting on any agenda item 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 this time will not be allowed to testify again when the agenda item comes up before the Commission, unless new or additional information will be offered.

Testifiers: Please be advised that applications for Community Plan Amendment, State District Boundary Reclassification, Change in Zoning, and Conditional 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.

A. CALL TO ORDER

B. PUBLIC HEARINGS (Action to be taken after each public hearing item.)

1. MR. JEFFREY S. HUNT, Planning Director transmitting Council Resolution No. 08-95 containing A Draft Bill to Establish Solar Energy Facilities as Permitted Uses in the Agricultural Zoning Districts on lands with an overall master productivity rating class of D and E to the Lanai, Maui, and Molokai Planning Commissions. (RFC 2008/0126) (J. Alueta)

- a. Public Hearing
- b. Action

2. PACIFIC WAREHOUSE, INC. requesting a Special Management Area Use Permit in order to expand and renovate the exterior of the existing Kihei Foodland Super Market building and related improvements at 1881 South Kihei Road, TMK: 3-9-003: 012, Kihei, Island of Maui. (SM1 2008/0014) (P. Fasi)

- a. Public Hearing
- b. Action

C. UNFINISHED BUSINESS

1. THE WILLIAM SPENCE COMPANY on behalf of MEH LIMITED PARTNERSHIP requesting a Special Management Area Use Permit for the Sunset Estates Residential Subdivision consisting of 25 improved single family lots and related improvements in the R-3 Residential District on Waipuilani Street at TMK: 3-9-046: 013, Kihei, Island of Maui. (SM1 2006/0031) (T. Abbott) (Public hearing was conducted on January 27, 2009.)

The Commission may take action on this request.

D. COMMUNICATIONS

1. MS. DAWN LONO, Chairperson of the Hana Advisory Committee to the Maui Planning Commission transmitting the Hana Advisory Committee's recommendations on the requests by MR. JAMES H. BARRY of SEA ENGINEERING, INC. on behalf of the STATE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF BOATING AND OCEAN RECREATION for a Special Management Area Use Permit and a Shoreline Setback Variance for the improvements to the rock revetment and boat loading docks at the Hana Wharf, TMK: 1-4-004: 036, Hana, Island of Maui. (SM1 2007/0007) (SSV 2007/0003) (T. Abbott)

The Commission may take action on the requests.

2. MR. AUGUST S. PERCHA, architect, requesting a 2-year time extension on the County Special Use Permit to operate the Kihei Seventh Day Adventist Church and Preschool on the Maalaea side of the Piilani Village project at TMK: 3-9-001: 149, Kihei, Island of Maui. (CUP 2004/0001) (J. Buika)

The Commission may take action on this request.

- E. Discussion on the meeting scheduling for the Maui Planning Commission's review of the Maui Island Plan. The Maui Island Plan is scheduled to be transmitted to the Maui Planning Commission in April 2009. (Long Range Division)

The Commission may determine how it wants to handle its scheduled 180-day review of the Maui Island Plan in terms of meetings.

- F. ACTION MINUTES OF THE JANUARY 27, 2009 MEETING AND REGULAR MINUTES OF THE DECEMBER 9, 2008 MEETING

G. DIRECTOR'S REPORT

1. Planning Director notifying the Maui Planning Commission pursuant to Section 12-202-17(e) of the Maui Planning Commission's SMA Rules of his intent to issue time extensions on the following requests:

- a. MR. AUGUST S. PERCHA, architect, requesting a 2-year time extension on the period to initiate construction of the Kihei Seventh Day Adventist Church and Preschool on the Maalaea side of the Piilani Village project at TMK: 3-9-001: 149, Kihei, Island of Maui. (SM1 2004/0003) (J. Buika)

The Commission shall acknowledge receipt of the request. The Commission may review the time extension request or waive its review.

- b. MR. LLOYD KIMURA requesting a 2-year time extension on the period to initiate construction of an auto parts store and related improvements at 81 Halekuai Street, Kihei Business Park, TMK: 3-9-051:007, Kihei, Island of Maui. (SM1 2004/0034) (P. Fasi)

The Commission shall acknowledge receipt of the request. The Commission may review the time extension request or waive its review.

2. Planning Commission Projects/Issues
  - a. Requiring Project Application Signs for Major Permit applications
3. Discussion of Future Maui Planning Commission Agendas
  - a. February 24, 2009 agenda
4. EA/EIS Report
5. SMA Minor Permit Report distributed with the January 27, 2009 agenda.
6. SMA Minor Permit Report
7. SMA Exemptions Report distributed with the January 27, 2009 agenda
8. SMA Exemptions Report

G. NEXT REGULAR MEETING DATE: February 10 , 2009

H. 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 the filing of a timely Petition to Intervene was on January 12, 2009 at 4:30 pm.

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\021009.agenda)