

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

AGENDA

DATE: AUGUST 11, 2009 (Tuesday)
TIME: 9:00 A.M.
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii 96793

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

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.)

1. MR. MILTON ARAKAWA, AICP, Director of the DEPARTMENT OF PUBLIC WORKS requesting review and comments on the proposed Bill for an Ordinance Amending Chapter 18.04 of the Maui County Code, pertaining to Subdivision General Provisions. The proposed bill addresses the issue of consistency. (RFC 2009/0199) (M. Arakawa)

- a. Public Hearing
- b. Action

2. JEFF and SHARYN STONE requesting a State Land Use Commission Special Use Permit in order to operate the Huelo Point Lookout Bed and Breakfast, a 4-bedroom bed and breakfast located in the State Agricultural District at 222 Door of Faith Road, TMK: 2-9-007: 058, Haiku, Island of Maui. (SUP2 2001/0027) (R. Loudermilk)

- a. Public Hearing
- b. Action

C. UNFINISHED BUSINESS

1. MR. JEFFREY S. HUNT, AICP, Planning Director transmitting a Bill for an Ordinance repealing Chapter 19.09, Maui County Code, R-0 Zero Lot Line Residential District and amending Title 19.08, Maui County Code, relating to Residential Districts and amending Title 19.04 General Provisions and Definitions. (J. Alueta) (Public hearing conducted on June 23, 2009.)

The Commission may take action on this request.

2. COUNTY OF MAUI, OFFICE OF THE MAYOR, requesting a Special Management Area Use Permit for the proposed South Maui Emergency Ambulance Station consisting of a single-story, 1,500 square foot building for the South Maui Emergency Ambulance Station and related improvements at 300 Kilohana Drive, TMK: 3-9-038: por. of 026, Kihei, Island of Maui. (SM1 2006/0024) (L. Callentine) (Public hearing conducted on June 9, 2009.) (Deferred from the July 28, 2009 meeting) (To be taken up at 1:00 p.m. or shortly thereafter.)

The Commission may take action on this request.

3. 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 request: (Deferred from the July 28, 2009 meeting) (To be taken up at 1:00 p.m. or shortly thereafter.)

MS. PAM ENGLISH of MAUI LAND & PINEAPPLE COMPANY, INC. requesting a 2-year time on the Special Management Area Use Permit and Phase II Project District Approval to initiate construction of the Kapalua Mauka First Phase including the 51 lot Mahana Estates Subdivision, redesigned golf course, a clubhouse, a driving range, a 22 unit Mauka Village project as well as on-site and off-site utility improvements at TMK: 4-2-001: 042 (por.), 4-3-001: 006 (portion), and 4-3-001: 008 (portion) pertains to PH2 2006/0004 and TMK: 4-2-004: 036 (portion) and 4-2-004: 037 (portion) pertains to SM1 2006/0013, Kapalua, Lahaina, Island of Maui. (G. Flammer)

The Commission shall acknowledge receipt of the request. The Commission may decide whether to waive its review or review the time extension request at a future meeting.

D. NEW BUSINESS

1. MR. STANTON COHEN on behalf of JAMES P. ARGYROPOULOS and MS. DAWN WILSON on behalf of GARY GOETZMAN requesting comments on the Draft Environmental Assessment prepared in support of the Shoreline Setback Variance for the hybrid shoreline protection structure consisting of a lower revetment with an approximate 4 ft. wide lateral accessway above and a seawall structure behind the revetment at 475 and 465 Hana Highway, TMK: 2-6-009: 005 and 021, Kuau, Island of Maui. (EA 2009/0002) (SM1 2009/0007) (SSV 2009/0002) (T. Abbott)

The accepting authority for the Environmental Assessment is the Maui Planning Commission.

The EA trigger is the Shoreline Setback Variance.

The project needs a Special Management Area Use Permit and a Shoreline Setback Variance. The public hearing on the SMA and SSV applications will be conducted by the Maui Planning Commission after the Chapter 343 process has been completed.

The Commission may take action to be the accepting authority of the Environmental Assessment and provide its comments on the Draft Environmental Assessment.

2. VICTORY DEVELOPMENT NANI LOA , LLC requesting comments on the Draft Environmental Assessment prepared in support of the Community Plan Amendment for the Nani Loa Hotel Condominium Project, 32 residential units in 2 buildings with ground level parking, swimming pool, shade pavilion, walkways, and administrative offices for property zoned H-2 Hotel District situated at 2505 South Kihei Road, TMK: 3-9-020: 032, Kihei, Island of Maui. (EA 2009/0001) (CPA 2009/0001) (SM1 2009/0003) (J. Prutch)

The EA trigger is the Community Plan Amendment.

The project needs a Community Plan Amendment and Special Management Area Use Permit. The public hearing on these applications will be conducted by the Maui Planning Commission after the Chapter 343 process has been completed.

The Commission may take action to be the accepting authority of the Environmental Assessment and provide its comments on the Draft Environmental Assessment.

F. COMMUNICATIONS

1. MR. GARY YABUTA, Chief of Police, MAUI POLICE DEPARTMENT requesting a Special Accessory Use Approval to operate a morgue in the M-1 Light Industrial District at 1831 Wili Pa Loop, TMK: 3-4-020: 039 and 040, Wailuku, Island of Maui. (ACC 2009/0001) (G. Flammer)

The Commission may take action on this request.

2. TOM DONOVAN, General Manager of The Ritz-Carlton at Kapalua requesting a Special Accessory Use Approval for its Jean Michel- Cousteau Kapalua Ambassadors of the Environment Program at The Ritz-Carlton Kapalua, One Ritz-Carlton Drive, TMK: 4-2-004: 021, Kapalua, Island of Maui. (ACC 2008/0001) (P. Critchlow)

The Commission may take action on this request.

3. MS. VANESSA MEDEIROS of LOKAHI PACIFIC, INC. requesting a 4-year time extension on the Special Management Area Use Permit and R-0 Zero Lot Line Overlay condition relating to the initiation of construction of the Kenolio Leilani Subdivision, a 7-lot affordable housing subdivision an approximately 1 acre of land at 250 Kenolio Road, TMK: 3-9-006: 019, Kihei, Island of Maui. (SM1 2003/0022) (R0 2003/0002) (L. Callentine)

The Commission may take action on this request.

- G. APPROVAL OF ACTION MINUTES OF THE JULY 14, 2009 (Deferred from the July 28, 2009 meeting) AND JULY 28, 2009 MEETINGS AND REGULAR MINUTES OF THE MAY 12, 2009 MEETING

H. DIRECTOR'S REPORT

1. Planning Commission Projects/Issues
2. Discussion of Future Maui Planning Commission Agendas
 - a. September 8, 2009 meeting agenda items
3. EA/EIS Report
4. SMA Minor Permit Report distributed with the July 28, 2009 agenda
5. SMA Minor Permit Report
6. SMA Exemptions Report distributed with the July 28, 2009 agenda
7. SMA Exemptions Report
8. Special Maui Planning Commission Meeting on the Maui Island Plan Review - August 18, 2009, 9:00 a.m., Planning Conference Room, Wailuku, Island of Maui

- I. NEXT REGULAR MEETING DATE: September 8, 2009, 9:00 a.m.

J. 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 filing a timely Petition to Intervene was July 28, 2009.

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\081109.age)