

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

AGENDA

DATE: OCTOBER 13, 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, 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. JEFFREY S. HUNT, AICP, Planning Director transmitting Council Resolution No. 09-53 referring to the Lanai, Maui, and Molokai Planning Commissions and the Hana Advisory Committee a Draft Bill Pertaining to Rural Districts. The bill creates RU-2, RU-5, and RU-10 district categories. (RFC 2009/0206) (J. Alueta)

- a. Public Hearing
- b. Action

2. MR. JEFFREY S. HUNT, AICP, Planning Director transmitting Council Resolution No. 09-60 containing:

1) A draft bill entitled " A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.08 MAUI COUNTY CODE, RELATING TO RESIDENTIAL DISTRICTS".

The purpose of the draft bill is to permit affordable accessory dwelling units on lots of 6,000 square feet or more in residential districts.

- 2) A draft bill entitled "A BILL FOR AND ORDINANCE AMENDING CHAPTER 19.35 RELATING TO ACCESSORY DWELLINGS."

The purposes of the draft bill are to: (1) permit affordable accessory dwelling units on lots of 6,000-7,499 square feet; (ii) increase the maximum gross square footage of accessory dwelling units; and (iii) require that accessory dwelling units built on lots of 6,000-7,499 square feet remain affordable." (RFC 2009/0215) (J. Alueta)

- a. Public Hearing
- b. Action

- _____ 3. MR. DAVID KONG, SR., Manager of NONA LANI COTTAGES, LLC requesting a Community Plan Amendment from Multi-Family to Hotel and a Change in Zoning from R-2 Residential District to H-1 Hotel District for the Nona Lani Cottages existing twelve (12) unit transient vacation rental business at 455 South Kihei Road, TMK: 3-9-041: 001, Kihei, Island of Maui. (CPA 2006/0001) (CIZ 2006/0001) (J. Dack)

- a. Public Hearing
- b. Action

4. MR. BOB FLINT and ALICE "SUNNY" JORDAN requesting a State Land Use Commission Special Use Permit in order to operate the Wild Ginger Falls Bed and Breakfast, the use of a cottage in the State Agricultural District for bed and breakfast at 355 Kaluanui Road, TMK: 2-7-002: 121, Makawao, Island of Maui. (SUP2 2009/0009) (L. Callentine)

- a. Public Hearing
- b. Action

C. UNFINISHED BUSINESS (To be heard at 1:00 pm or soon thereafter.)

1. MR. WADE FISCHER, Vice-President of Resort Development, PYRAMID PROJECT MANAGEMENT LLC requesting a Step 1 Planned Development Approval and a Step 2 Planned Development Approval for the proposed Renovations and Guestroom Expansion at the Grand Wailea Resort and Spa at 3850 Wailea Alanui Drive, TMK: 2-1-008: 109, Wailea, Island of Maui. Improvements include renovations to hotel public areas, cultural garden, and landscape improvements, expansion of pool activity areas, and 310 additional guest rooms housed in eight (8) extended and detached buildings throughout the hotel property. (PD1 2009/0002) (PD2 2009/0001) (A. Cua) (Requests previously considered and deferred at the September 22, 2009 meeting.)

The Commission may take action on these requests.

2. MR. WADE FISCHER, Vice-President of Resort Development, PYRAMID PROJECT MANAGEMENT LLC requesting a Special Management Area Use Permit for the proposed Renovations and Guestroom Expansion at the Grand Wailea

Resort and Spa at 3850 Wailea Alanui Drive, TMK: 2-1-008: 109, Wailea, Island of Maui. Improvements include renovations to hotel public areas, cultural garden, and landscape improvements, expansion of pool activity areas, and 310 additional guest rooms housed in eight (8) extended and detached buildings throughout the hotel property. (SM1 2009/0006) (A. Cua) (Public hearing conducted on September 22, 2009.)

The Commission may take action on this request.

D. ADOPTION OF DECISION AND ORDERS

The Commission may take action to approve the written orders denying the following interventions per votes taken at the September 22, 2009 meeting:

1. MR. ISAAC HALL, attorney for SHAWN HORWITZ, TERRIZAGER, CRAIG ZAGER, TIM CONNER, KENNETH HAWKINS, ROBERT LEE, GILA WILLNER, RANDY BOWEN, JOHN SALINAS, JAMES L. PAYNE, JOSE FIGUEROA, JEFFREY MANDELBAUM, NINA S. YOSHPE, ANDRE MAGNINOT, R. TYLER WHANN, DEBORAH CROSS, and MURRAY JAFINE submitting a Petition to Intervene dated September 8, 2009 on the applications by MR. WADE FISCHER, Vice-President of Resort Development, PYRAMID PROJECT MANAGEMENT LLC requesting a Step 1 Planned Development Approval, a Step 2 Planned Development Approval, and a Special Management Area Use Permit for the proposed Renovations and Guestroom Expansion at the Grand Wailea Resort and Spa at 3850 Wailea Alanui Drive, TMK: 2-1-008: 109, Wailea, Island of Maui. Improvements include renovations to hotel public areas, cultural garden, and landscape improvements, expansion of pool activity areas, and 310 additional guest rooms housed in eight (8) extended and detached buildings throughout the hotel property. (PD1 2009/0002) (PD2 2009/0001) (SM1 2009/0006) (A. Cua) (Action taken to deny the intervention request at the September 22, 2009 meeting.)

The Commission may take action to approve of the written Decision and Order with or without modifications.

2. MR. ISAAC HALL, attorney for THE PROTECT WAILEA BEACH COMMITTEE, SCHUYLER W. LININGER, JR., MITCHELL VAN KLEY, JAMES L. PAYNE, and LEE MINSHULL submitting a Petition to Intervene dated September 8, 2009 on the applications by MR. WADE FISCHER, Vice-President of Resort Development, PYRAMID PROJECT MANAGEMENT LLC requesting a Step 1 Planned Development Approval, a Step 2 Planned Development Approval, and a Special Management Area Use Permit for the proposed Renovations and Guestroom Expansion at the Grand Wailea Resort and Spa at 3850 Wailea Alanui Drive, TMK: 2-1-008: 109, Wailea, Island of Maui. Improvements include renovations to hotel public areas, cultural garden, and landscape improvements, expansion of pool activity areas, and 310 additional guest rooms housed in eight (8) extended and detached buildings throughout the hotel property. (PD1 2009/0002) (PD2 2009/0001) (SM1 2009/0006) (A. Cua) (Action taken to deny the intervention request at the September 22, 2009 meeting.)

The Commission may take action to approve of the written Decision and Order with or without modifications.

3. MS. DANA NAONE HALL, Intervenor Pro Se submitting a Petition to Intervene on the applications by MR. WADE FISCHER, Vice-President of Resort Development, PYRAMID PROJECT MANAGEMENT LLC requesting a Step 1 Planned Development Approval, a Step 2 Planned Development Approval, and a Special Management Area Use Permit for the proposed Renovations and Guestroom Expansion at the Grand Wailea Resort and Spa at 3850 Wailea Alanui Drive, TMK: 2-1-008: 109, Wailea, Island of Maui. Improvements include renovations to hotel public areas, cultural garden, and landscape improvements, expansion of pool activity areas, and 310 additional guest rooms housed in eight (8) extended and detached buildings throughout the hotel property. (PD1 2009/0002) (PD2 2009/0001) (SM1 2009/0006) (A. Cua) (Action taken to deny the request at the September 22, 2009 meeting.

The Commission may take action to approve of the written Decision and Order with or without modifications.

E. COMMUNICATIONS

1. MR. CLYDE MURASHIGE, Vice-President of A&B WAILEA, LLC requesting a Step 1 Planned Development Approval for the Wailea Planned Development for parcels off of Okolani Drive and Kalai Waa Street, TMK: 2-1-008: 127 (por.), 128 (por.), &130, Wailea, Island of Maui. (PD1 2009/0001) (D. Dias)

The Commission may take action on this request.

F. APPROVAL OF ACTION MINUTES OF THE SEPTEMBER 22, 2009 MEETING

G. DIRECTOR'S REPORT

1. Notification of the filing of a Special Management Area (SMA) Appeal of the Director's Decision pursuant to the Special Management Area Rules of the Maui Planning Commission:

MR. DANIEL GRANTHAM for the WAIPIO BAY BENEVOLENT ASSOCIATION, LLC appealing by filing dated September 22, 2009 the Planning Director's decision to grant a Special Management Area Exemption to JEFFREE TRUDEAU for a 3-lot subdivision at TMK: 2-9-007: 052, Haiku, Island of Maui. (SM5 2009/0242) (SMX 2009/0274) (APPL 2009/0003) (C. Cortez)

This item is for notification purposes only pursuant to the Commission's SMA Rules, no action will be taken.

2. 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:

MR. HARRY HASEGAWA of HASEGAWA GENERAL STORE, INC. requesting a 2-year time extension on the Special Management Area Use Permit condition to initiate construction of the new Hasegawa General Store at TMK: 1-4-003: 031, Hana, Island of Maui. (SM1 2005/0013) (P. Fasi)

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.

3. General Plan Update status report
 - a. Countywide Policy Plan
 - b. Maui Island Plan
4. Comments on the 2009 Hawaii Congress of Planning Officials Conference - September 23-25, 2009
5. Planning Commission Projects/Issues
6. Discussion of Future Maui Planning Commission Agendas
 - a. October 27, 2009 meeting agenda items
7. EA/EIS Report
8. SMA Minor Permit Report
9. SMA Exemptions Report
10. Proposed 2010 Meeting Schedule

The Commission may adopt or amend the schedule.

H. NEXT REGULAR MEETING DATE: October 27, 2009.

I. 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 September 29, 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\101309.age)