

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

AMENDED AGENDA

**NOTE: The Maui Planning Commission agenda filed on October 30, 2009 for a meeting on November 10, 2009 has been canceled. This new agenda filed on November 4, 2009 replaces the canceled agenda.**

DATE: NOVEMBER 10, 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. COMMUNICATIONS

1. MS. GWEN OHASHI HIRAGA, Project Manager from MUNEKIYO & HIRAGA, INC. on behalf of MAUI BEACH RESORT LIMITED PARTNERSHIP submitting the 2009 annual report on the disbursement of funds in the Settlement Agreement with Intervenor CHARLES FOX III pursuant to Condition No. 32 of the Special Management Area Use Permit and Step 2 Planned Development Approval for the proposed Honua Kai Resort, North Beach Park, and related improvements at TMK: 4-4-014: 006 and 008, and 4-4-001: 010, Kaanapali, Lahaina, Island of Maui. (SM1 2004/0017) (PD2 2004/0005) (J. Prutch) (Matter was previously on the October 27, 2009 agenda.)

The Commission may take action to acknowledge receipt of this report.

2. MS. GWEN OHASHI HIRAGA, Project Manager from MUNEKIYO & HIRAGA, INC. on behalf of MAUI BEACH RESORT LIMITED PARTNERSHIP submitting the 2009 annual report on the disbursement of funds in the Settlement Agreement with Intervenor WEST MAUI PRESERVATION ASSOCIATION (WMPA) pursuant to Condition No. 32 of the Special Management Area Use Permit and the Step 2 Planned Development Approval for the proposed Honua Kai Resort, North Beach Park, and related improvements at TMK:4-4-014:006 and 008, and TMK: 4-4-001: 10, Kaanapali, Lahaina, Island of Maui. (SM1 2004/0017) (PD2 2004/0005) (J. Prutch)(Matter was previously on the October 27, 2009 agenda.)

The Commission may take action to acknowledge receipt of this report.

3. MR. ANTHONY PLITT of INTRAWEST requesting a Step 3 Planned Development Approval and the Special Management Area Use Permit (previously bifurcated out of the rest of the Honua Kai SMA) for the North Park "B" project consisting of twenty-nine (29) parking stalls, two (2) barbecue grills, four (4) picnic tables, landscaping, and irrigation at TMK: 4-2-001: 010 (por.) and 4-4-001: 008 (por.), Honokowai, Lahaina, Island of Maui. (PD3 2009/0003)(SM1 2004/0017) (J. Prutch) (Matter was previously on the October 27, 2009 agenda.)

The Commission may take action on these requests

4. MR. ANTHONY PLITT of INTRAWEST requesting an Off-Site Parking Approval for the parking on TMK: 4-4-014: 005 (portion) to help meet the parking for the Honua Kai Project on TMK: 4-4-014: 006, Kaanapali, Lahaina, Island of Maui. (OSP 2009/0002) (J. Prutch) (Matter was previously on the October 27, 2009 agenda.)

The Commission may take action on this request.

5. MR. PAUL HANADA of HANADA & SON, INC. dba ALOHA SHELL SERVICE requesting an after-the-fact Special Accessory Use Approval to operate a recycling redemption center at the Aloha Shell Service Station in the B-2 Community Business District at 110 Puunene Avenue, TMK: 3-7-013: 010, Kahului, Island of Maui. (ACC 2008/0002) (J. Buika)

The Commission may take action on this request.

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

1. MR. MICHAEL G. YASAK and MS. CHRISTINE H. YASAK NAMAUU requesting a State Land Use Commission Special Use Permit to operate the Kekihapai Bed and Breakfast, a three (3)-bedroom bed and breakfast home in the State Agricultural District at 44 Pea Place, TMK: 2-3-060: 030, Kula, Island of Maui. (SUP2 2009/0006) (J. Prutch)
  - a. Public Hearing
  - b. Action

2. RON SERLE and SHERRY SERLE requesting a State Land Use Commission Special Use Permit in order to operate the Aloha Cottage Bed and Breakfast, a one-bedroom bed and breakfast home in the State Agricultural District at 1875 Olinda Road, TMK: 2-4-019: 014, Makawao, Island of Maui. (SUP2 2001/0010) (G. Flammer)
  - a. Public Hearing
  - b. Action
  
3. CHRISTOPHER C. GEBB and SUSAN E. GEBB requesting a State Land Use Commission Special Use Permit in order to operate the Windward Garden Bed and Breakfast, a three(3)-bedroom bed and breakfast home in the State Agricultural District at 435 Hoolawa Road, TMK: 2-9-001: 042, Haiku, Island of Maui. (SUP2 2009/0008) (J. Prutch)
  - a. Public Hearing
  - b. Action
  
4. MS. MADELYN D'ENBEAU requesting a Bed and Breakfast Permit in order to operate the Haiku Cannery Inn B&B, a four (4)-bedroom bed and breakfast located in the Rural District at 1061 Kokomo Road, TMK: 2-7-021:007, Haiku, Island of Maui. (BBPH T2009/0001) (G. Flammer) The subject property is located within 500 ft. of a property with a permitted bed and breakfast operation.
  - a. Public Hearing
  - b. Action

D. UNFINISHED BUSINESS

1. Hana Advisory Committee to the Maui Planning Commission transmitting their recommendations on the application by MS. CHERYL OKUMA, Director, COUNTY DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, requesting a Special Management Area Use Permit for the County's Hana Landfill for land consolidation, boundary realignment, and grading activity on approximately 74 acres at TMK: 1-3-006: 012 (por.) and 1-3-006: 007 (por.), Hana, Island of Maui. (SUP1 2007/0004) (CUP 2007/0001) (SM1 2007/0003) (P. Fasi) (Deferred from the July 28, 2008 meeting in order for the State Land Use Commission to act on the Land Use Commission Special Use Permit.) (To be taken up at 1 pm or soon thereafter.)

The Commission may take action on this request.

2. KOBAYASHI GROUP, LLC requesting to amend the Special Management Area Use Permit, Shoreline Setback Variance, and Step1 and Step 2 Planned Development Approvals for the Proposed Redevelopment of the Renaissance Wailea Beach Resort. Redevelopment includes the demolition of and/or renovation of existing resort structures and grounds as well as construction of residential condominiums and related improvements. The total number of hotel rooms and condominiums will equal 328 units which is less than the original constructed 349 guestrooms.

The hotel property is located 15,578 acres at 3350 Wailea Alanui Drive , TMK: 2-1-008: 067, Wailea, Island of Maui. The 2.16 acre Ulua/ Mokapu Beach Park parking is located at TMK: 2-1-008: 088, Wailea, Island of Maui. (SM1 2005/0035)(SSV 2005/0004)(PD1 2005/0006)(PD2 2005/0007) (A. Cua) (Deferred from the October 27, 2009 meeting).

The Commission may take action on this request.

E. APPROVAL OF ACTION MINUTES OF THE OCTOBER 27, 2009 MEETING, THE REGULAR MINUTES OF THE OCTOBER 13, 2009 MEETING, AND THE MINUTES OF THE SPECIAL MEETINGS OF SEPTEMBER 14, 2009, SEPTEMBER 15, 2009, SEPTEMBER 22, 2009 AND SEPTEMBER 28, 2009.

F. DIRECTOR'S REPORT

1. October 28, 2009 Memo from the Planning Director to the Maui Planning Commission regarding correction to existing community plan designation for the site of the proposed Kihei Police Station located at TMK: 2-2-002: 070 (por.) and 069 (por.), Kihei, Island of Maui. (CPA 2009/0002) (DBA 2009/0001) (CIZ 2009/0002) (J. Dack) The correction is that the current community plan designation for the subject property is Park instead of Agricultural and the community plan amendment change remains to Public/Quasi-Public as noticed.

This is for information purposes only and no action will be taken.

2. Designation of the Hana Advisory Committee to the Maui Planning Commission to conduct the public hearing on the following application:

MS. SUSAN O'CONNOR requesting a State Land Use Commission Special Use Permit in order to operate the Ala Kukui Retreat Center, a facility for spiritual and educational activities and retreats on approximately 12.008 acres of land at TMK: 1-3-004: 008, Wakiu and Kawaipapa, Hana, Island of Maui. (SUP2 2009/0013) (P. Fasi)

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. Discussion on Audience Distractions during Meetings
6. Planning Commission Projects/Issues
7. Discussion of Future Maui Planning Commission Agendas

- a. November 24, 2009 meeting agenda items
- 8. EA/EIS Report
- 9. SMA Minor Permit Report
- 10. SMA Exemptions Report
- 11. Proposed 2010 Meeting Schedule

The Commission may adopt or amend the schedule.

G. NEXT REGULAR MEETING DATE: November 24, 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 filing a timely Petition to Intervene was October 27, 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\111009.age)