

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

## AGENDA

DATE: JUNE 8, 2010 (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: Jonathan Starr (Chair), Donna Domingo, Jack Freitas, Kent Hiranaga, Ward Mardfin, Lori Sablas, Warren Shibuya, Orlando Tagorda

Public testimony will be taken at the start of the meeting on any agenda item, except for contested cases under Chapter 91, HRS, 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 HEARING (Action to be taken after each public hearing.)

1. MS. KATHLEEN AOKI, Planning Director transmitting Council Resolution No. 10-17 referring a Draft Bill Amending Chapter 19, Maui County Code relating to Small Wind Energy Systems to the Lanai, Maui, and Molokai Planning Commissions. (RFC 2010/0052 ) (J. Alueta)
  - a. Public Hearing
  - b. Action

C. UNFINISHED BUSINESS

1. Applications for the Mana Foods Store Addition project: (L. Callentine) (Last reviewed by the Planning Commission on April 28, 2009.)
  - a. EDWARD D. THIELK of MANA FOODS requesting an Offsite Parking Approval in order to utilize eight (8) parking stalls at the Maui Dharma Center site in the R-1 Residential District at 81 Baldwin Avenue, TMK: 2-6-006: 030, Paia, Island of Maui in order to help satisfy the parking requirement for the

Mana Foods Expansion project and related improvements in the B-CT Country Town Business District at 49 Baldwin Avenue, TMK: 2-6-005: 002, Paia, Island of Maui. (OSP 2005/0003) (L. Callentine) (Last reviewed at April 28, 2009 meeting.)

The Commission may take action on this request.

- b. MR. EDWARD THIELK of MANA FOODS requesting a Special Management Area Use Permit for the Mana Foods Store Addition at 47 Baldwin Avenue at TMK: 2-6-005: 002 and the construction of eight (8) parking stalls at 81 Baldwin Avenue (Maui Dharma Center site) at TMK: 2-6-006: 020, Paia, Island of Maui. Improvements include repair and renovation to the existing health food store. After-the-fact improvements include additional retail space, offices, refrigeration & freezer rooms and a storage warehouse. Proposed improvements include repair & replacement of existing siding and a 375 square foot expansion of the vitamin room. (SM1 2004/0024) (L. Callentine) (Public hearing conducted on April 28, 2009.) (Conditional Permit approved on April 7, 2010.)

The Commission may take action on this request.

2. MAUI MEMORIAL PARK, LLC requesting a County Special Use Permit and County Accessory Use Permit in order to expand the existing Maui Memorial Park on 10.936 acres of land in the County Agricultural District and the M-1 Light Industrial District at Waiinu Road, TMK: 3-8-046: 043, Wailuku, Island of Maui. (CUP 2010/0003) (ACC 2010/0001) (P. Fasi) (Public hearing was conducted on May 11, 2010)

The County Special Use Permit is for the lands on the property zoned County Agricultural District. The Accessory Use Permit is for the lands on the property zoned M-1 Light Industrial District.

The Commission may take action on these items.

D. DIRECTOR'S REPORT (To begin at approximately 1:00 p.m. or soon thereafter)

1. Planning Director notifying the Maui Planning Commission pursuant to Section 12-202-17(e) of the Maui Planning Commission's SMA Rules of her intent to process the time extension request administratively on the following:

MS. YARROW FLOWER of MAUI LAND & PINEAPPLE COMPANY, INC. requesting a 2-year time extension on the Special Management Area Use Permit condition to initiate construction of the Kapalua Central Resort project at TMK: 4-2-004: portion of 024, Kapalua, Lahaina, Island of Maui. (SM1 2006/0029) (PH2 2006/0006) (K. Wollenhaupt)

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.

- E. Continuation Contested Case Hearing Subject to Chapter 91 HRS (To begin at 1:30 p.m. or soon thereafter) (Contested case hearing commenced on May 25, 2010)

MR. GARY STICE of HANA BEACHFRONT ASSOCIATES appealing the Planning Department's decision to require a Special Management Area Use Permit for the construction of proposed residential structures at 175 Haneoo Road, Koki Beach, Hana, Island of Maui. (APPL 2009/0004) (T. Kapuaala) (Contested case site inspection conducted on May 4, 2010.)

- F. ACCEPTANCE OF THE ACTION MINUTES OF MAY 11, 2010 AND MAY 25, 2010 AND THE REGULAR MINUTES OF THE MARCH 17, 2010, MARCH 30, 2010 AND APRIL 27, 2010 MEETINGS

- G. DIRECTOR'S REPORT

1. May 4, 2010 letter from DANIEL GRANTHAM of the WAIPIO BAY BENEVOLENT ASSOCIATION, LLC requesting a rescheduling of the contested case hearing on the SMA appeal of the SMA exemption for the JEFFREE TRUDEAU 3-lot subdivision at TMK: 2-9-007:052, Haiku, Island of Maui. (SM5 2009/0242) (SMX 2009/0274) (APPL 2009/0003) (T. Kapuaala)

The Commission decided at its May 25, 2010 meeting to reschedule the contested case hearing on the appeal to the July 13, 2010 meeting.

2. Applicant extended the public comment deadline for the Honuaula Draft Environmental Impact Statement (DEIS) from June 7, 2010 to June 30, 2010 - For information purposes
3. Planning Commission Projects/Issues
4. Discussion of Future Maui Planning Commission Agendas
  - a. June 22, 2010 meeting agenda items
5. EA/EIS Report
6. SMA Minor Permit Report distributed with the May 25, 2010 agenda.
7. SMA Minor Permit Report
8. SMA Exemptions Report submitted with the May 25, 2010 agenda

9. SMA Exemptions Report

H. NEXT MEETING DATE: JUNE 22, 2010

I. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

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.

UNLESS OTHERWISE SPECIFIED BY ANOTHER SPECIFIC PLANNING COMMISSION RULE, 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.

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\060810.age)