

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 10, 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), Ward Mardfin (Vice-Chair), Donna Domingo, Jack Freitas, Kent Hiranaga, Lori Sablas, Warren Shibuya, Orlando Tagorda, Penny Wakida

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. NEW BUSINESS

1. HRT LIMITED, a subsidiary corporation of the HARRY AND JEANETTE WEINBERG FOUNDATION requesting an Environmental Assessment determination on the Final Environmental Assessment prepared in support of the Phase II Project District Approval application for the proposed Maui Lani Shopping Center of approximately 105,000 square feet, consisting of a food market, retail and service shops, office space, restaurants, 569 parking stalls and related improvements on approximately 12.926 acres of land located at the corner of Maui Lani Parkway and Kaahumanu Avenue, TMK: 3-8-007: 121, Wailuku, Island of Maui. (EA 2010/0001) (A. Cua) (Draft EA reviewed on May 11, 2010.)

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

The project needs a Phase II Project District Approval. Action on the Phase II Project District application will be taken by the Maui Planning Commission after the Chapter 343 process has been completed.

The Commission may take action to accept the Final Environmental Assessment and issue a Findings of No Significant Impact (FONSI) determination or take some other action.

2. HERITAGE HALL, INC., a partnership between the MAUI PUERTO RICAN ASSOCIATION and the PORTUGUESE ASSOCIATION OF MAUI requesting an Environmental Assessment determination on the Final Environmental Assessment prepared in support of the Community Plan Amendment from Heavy Industrial to Public/Quasi-Public for the Heritage Hall, a multi-purpose cultural and community center and office complex to be located along Baldwin Avenue near the Paia Mill at TMK: 2-5-006: 019, Paia, Island of Maui. (EA 2009/0003) (D. Dias) (Draft EA reviewed on September 8, 2009.)

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

The EA trigger is the Community Plan Amendment.

The project needs a Community Plan Amendment (CPA) and a Change in Zoning (CIZ). The public hearing on the CPA and CIZ applications will be conducted by the Maui Planning Commission after the Chapter 343 process has been completed.

The Commission may take action to accept the Final Environmental Assessment and issue a Findings of No Significant Impact (FONSI) determination or take some other action.

C. UNFINISHED BUSINESS

1. MR. ROBERT T. MCDANIEL III, Development Partner of KANAHA PROFESSIONAL PLAZA, LLC requesting comments on the Draft Environmental Assessment prepared in support of the Special Management Area Use Permit for the proposed Maui Medical Plaza Project consisting of the construction of a six-story approximately 132,865 square foot professional medical office/laboratory facility, a six-story approximately 365 stall parking structure, and related improvements in the M-2 Heavy Industrial District at 151 Hana Highway, TMK: 3-7-011: 028, Kahului, Island of Maui. (EA 2010/0002) (SM1 2010/0006) (J. Buika) (The Draft EA was circulated with the mailout for the July 13, 2010 meeting.) (Review began at the July 27, 2010 meeting.)

The EA trigger is the utility work being done within the State right-of-way.

The project needs a Special Management Area Use Permit. Action on the Special Management Area Use Permit application will be taken by the Maui Planning Commission after the Chapter 343 process has been completed.

The Commission may provide its comments on the Draft Environmental Assessment.

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

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 and scheduled for the June 8, 2010 meeting.)

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. SETTLEMENT AGREEMENT (To be taken up at 1:00 p.m. or soon thereafter.)

1. Corporation Counsel will present a settlement agreement with a recommendation for action by the Commission pursuant to the Maui Planning Commission's Special Management Area Rules and the Shoreline Area Rules on property owned by LARRY D. DODGE and SARA P. DODGE (Co-Trustees of the Larry D. Dodge and Sara P. Dodge 1988 Living Trust) regarding Notices of Violation issued for alleged Special Management Area and Shoreline Area infractions situated at 6950 Makena Road, TMK: 2-1-006: 090, Makena, Island of Maui.

* **An Executive Session may be called by the Commission in order to discuss their duties, powers, and liabilities as it relates to the subject settlement agreement.**

E. COMMUNICATIONS

1. RDOB LIMITED PARTNERSHIP requesting to delete Condition no. 24 of the Special Management Area Use Permit pertaining to the installation of curbs, gutters, and sidewalks fronting the property at 3020 South Kihei Road in order to construct a second main single-family dwelling and related improvements at TMK: 3-9-004: 102, Kihei, Island of Maui. (SM1 2007/0008) (SSD 2007/0007) (J. Buika)

The Commission may take action on this request.

F. ACCEPTANCE OF THE ACTION MINUTES OF THE JULY 27, 2010 MEETING AND REGULAR MINUTES OF THE JUNE 22, 2010 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 her intent to process the time extension request administratively on the following:

- a. MR. GRANT Y.M. CHUN, Vice-President of A&B PROPERTIES, INC. requesting a 2-year time extension on the Special Management Area Use Permit condition to complete construction of the Kahului Airport Hotel Project consisting of 140 hotel rooms and related improvements on approximately 3.35 acres of land at TMK: 3-8-079: 016, Kahului, Island of Maui. (SM1 01/0003) (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.

- b. MR. RYAN CHURCHILL, President and COO 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 Site 6-0 Project consisting of approximately 42 workforce housing apartment units with a community center, three (3) new light industrial buildings for warehousing, offices, utilities and resort maintenance with accessory storage buildings; improvement of an existing golf maintenance building and additional golf accessory storage buildings; parking; landscaping and other related infrastructure improvements as well as demolition of existing storage and maintenance buildings at TMK: 4-2-004: 048, Kapalua, Lahaina, Island of Maui. (SM1 2006/0022) (PD1 2006/0002) (PD2 2006/0002) (J. Hunt)

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.

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

CROWN CASTLE and VERIZON WIRELESS requesting a County Special Use Permit to install a 40 ft. monopole with 12 panel antennas at an existing commercial mobile radio service site at 99 Mill Street, TMK: 1-4-003: 009, Hana, Island of Maui. (CUP 2010/0004) (P. Fasi)

The Commission may take action for the Hana Advisory Committee to conduct the public hearing on this application.

3. Planning Commission Projects/Issues
4. Discussion of Future Maui Planning Commission Agendas

- a. August 24, 2010 meeting agenda items
 - 5. EA/EIS Report
 - 6. SMA Minor Permit Report
 - 7. SMA Exemptions Report
- H. NEXT MEETING DATE: August 24, 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\081010.age)