

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 November 12, 2010 for a meeting on November 23, 2010 has been canceled. This new agenda filed on November 17, 2010 replaces the canceled agenda. **Additional items have been added to the Grand Wailea Resort and Spa item under Unfinished Business due to recent motions received later in the day on November 12, 2010.**

DATE: NOVEMBER 23, 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. DIRECTOR'S REPORT

1. EA/EIS Report
2. SMA Minor Permit Report
3. SMA Exemptions Report

C. COMMUNICATIONS

1. JAMES B. TAKAYESU, attorney, representing MICAH BUZIANIS and CHARLOTTE STRONG appealing the Planning Director's Notice of Violation for exceeding the amount of dwellings allowed pursuant to the conditions of approval for a Special Management Area Use Permit for property located at 111 Makahiki Street, TMK: 3-

8-002: 113, Spreckelsville, Island of Maui. (APPL 2010/0003) (T. Kapuaala)

The Commission and the public were notified via the October 26, 2010 meeting agenda that this appeal had been submitted to the Planning Department.

Pursuant to the Maui Planning Commission's Special Management Area Rules and its Rules of Practice and Procedure, the parties in the appeal as of November 10, 2010 are:

1. Micah Butzianis and Charlotte Strong - Appellants
2. Department of Planning - Appellee
 - a. The Commission may act to select a Hearings Officer/Hearings Body.
 - b. The Commission may act to select a Mediator
 - c. If the Commission is determined to be the Hearings Body, then the Commission may determine the briefing and hearing schedule.

D. UNFINISHED BUSINESS (With respect to Items #1 and #2, the written Final Judgment on Administrative Appeals to the Circuit Court was received by the Corporation Counsel's office on October 14, 2010.)

1. MR. ISAAC HALL, attorney for ROBERT LEE, GILA WILLNER, RANDY BOWEN, JOHN SALINAS, JAMES L. PAYNE, JOSE FIGUEROA, and MURRAY JAFINE submitting a Motion to Disqualify or Recuse Commissioners Domingo and Hiranaga dated November 12, 2010 in the matter of the applications of PYRAMID PROJECT MANAGEMENT LLC to obtain a Special Management Are Permit, and Step 1 and Step 2 Planned Development Approvals for the proposed renovations and guestroom expansion at the Grand Wailea Resort and Spa to include renovations to the hotel public areas, cultural garden, landscape improvements, expansion of pool activity areas, and 310 additional guest rooms housed in eight (8) extended and detached buildings throughout the hotel property at 3850 Wailea Alanui Drive, TMK: 2-1-008: 109, Wailea, Island of Maui. (SM1 2009/0006) (PD1 2009/0002) (PD2 2009/0001) (A. Cua)

MS. DANA NAONE HALL, Pro Se submitting a Joinder in Hoolei Intervenors' Motion to Disqualify or Recuse Commissioners Domingo and Hiranaga dated November 12, 2010 in the matter of the same applications. (A. Cua)

The Commission may take action on these requests.

2. MR. ISAAC HALL, attorney for ROBERT LEE, GILA WILLNER, RANDY BOWEN, JOHN SALINAS, JAMES L. PAYNE, JOSE FIGUEROA, and MURRAY JAFINE submitting a Motion To Declare Applications Incomplete dated November 12, 2010 in the matter of the applications of PYRAMID PROJECT MANAGEMENT LLC to obtain a Special Management Are Permit, and Step 1 and Step 2 Planned Development Approvals for the proposed renovations and guestroom expansion at

the Grand Wailea Resort and Spa to include renovations to the hotel public areas, cultural garden, landscape improvements, expansion of pool activity areas, and 310 additional guest rooms housed in eight (8) extended and detached buildings throughout the hotel property at 3850 Wailea Alanui Drive, TMK: 2-1-008: 109, Wailea, Island of Maui. (SM1 2009/0006) (PD1 2009/0002) (PD2 2009/0001) (A. Cua)

MS. DANA NAONE HALL, Pro Se submitting a Joinder in Hoolei Intervenors' Motion To Declare Applications Incomplete dated November 12, 2010 in the matter of the same applications. (A. Cua)

The Commission may take action on these requests.

3. MR. ISAAC HALL, attorney for SHAWN HORWITZ, TERRI ZAGER, 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 with respect to ROBERT LEE, GILA WILLNER, RANDY BOWEN, JOHN SALINAS, JAMES L. PAYNE, JOSE FIGUEROA, 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) (Public hearing on SMA Use Permit was conducted on September 22, 2009.)

The Commission may take action on this request. If the intervention request is granted, the Commission may also choose to appoint a Hearings Officer and a Mediator.

4. 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) (Public hearing on SMA Use Permit was

conducted on September 22, 2009.)

The Commission may take action on this request. If the intervention request is granted, the Commission may also appoint a Hearings Officer and a Mediator.

5. MR. THOMAS CASTLETON requesting a Special Management Area Use Permit for the Maui Wave Riders Commercial and Surf School and related improvements on approximately 19,499 square feet of land in the B-2 Community Business District at 2021 South Kihei Road, TMK: 3-9-017: 012, Kihei, Island of Maui. (SM1 2000/0026) (J. Prutch for J. Dack)

The Commission may take action on this request.

E. NEW BUSINESS

1. MS. MARCIA LUCAS requesting an Environmental Assessment Determination on the Final Environmental Assessment prepared in support of the Shoreline Setback Variance for the 11 Hale Malia Place Slope Repair Project in order to construct a structurally engineered slope retaining system at 11 Hale Malia Place, TMK: 4-3-003: 096, Napili, Island of Maui. (EA 2009/0008) (SM1 2009/0018) (SSV 2009/0005) (J. Buika) (Draft EA reviewed at the February 23, 2010 meeting.)

The EA trigger is the Shoreline Setback Variance.

The project needs a Shoreline Setback Variance and a 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 accept the Final Environmental Assessment and issue a Findings of No Significant Impact (FONSI) or take some other action.

F. APPROVAL OF ACTION MINUTES OF THE NOVEMBER 9, 2010 MEETING

G. DIRECTOR'S REPORT

1. Planning Commission Projects/Issues
2. Discussion of Future Maui Planning Commission Agendas
 - a. December 14, 2010 meeting agenda items
 - b. Scheduling of Date for West Maui Site Inspections

H. NEXT MEETING DATE: December 14, 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\112310.age2)