

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

AGENDA

DATE: DECEMBER 14, 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. RESOLUTION THANKING KATHLEEN ROSS AOKI FOR HER SERVICE AS PLANNING DIRECTOR
- C. DIRECTOR'S REPORT
 - 1. EA/EIS Report
 - 2. SMA Minor Permit Report
 - 3. SMA Exemptions Report
- D. UNFINISHED BUSINESS
 - 1. Selection of a Hearings Officer on the following contested case hearing (A. Cua):

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.)

At its November 23, 2010 meeting, the Maui Planning Commission granted the following Petitions to Intervene on the above-mentioned applications for the Grand Wailea:

- a. 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
- b. DANA NAONE HALL, Pro Se

The Commission then proceeded to select Guy Haywood as the Hearings Officer and Glenn Kosaka as the Mediator. Guy Haywood is unable to serve as the Hearings Officer on these matters. The Commission may act to select another Hearings Officer.

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

1. MR. GRANT Y.M. CHUN, Vice-President of A & B PROPERTIES, INC., requesting a Community Plan Amendment from Agriculture to Single-Family, Multi-Family, and Business/Commercial and a Change in Zoning from Agricultural to A-1, Apartment; A-2, Apartment; R-1, Residential; and B-2, Community Business for the Kihei Residential Project, a master planned single and multi-family residential community totaling 600 units and a 1.4-acre neighborhood commercial area including on-site and off-site improvements mauka of Piilani Highway, 1/4 mile south of Piilani - Mokulele Highways Intersection at TMK: 3-8-004: 002 (por.), 022 (por.) and 030 (por.), Kihei, Island of Maui. (CPA 2010/0001) (CIZ 2010/0003) (K. Wollenhaupt)
 - a. Parcel A (52.823 acres) - Community Plan Amendment from Agriculture to Multi-Family and Change in Zoning from County Agriculture District to A-1, Apartment District
 - b. Parcel B (25.031 acres) - Community Plan Amendment from Agriculture to Single-Family and Change in Zoning from County Agriculture District to R-1, Residential District

- c. Parcel C (15.077 acres) - Community Plan Amendment from Agriculture to Multi-Family and Change in Zoning from County Agriculture District to A-2, Apartment District
 - d. Parcel D (1.4 acres) - Community Plan Amendment from Agriculture to Business/Commercial and Change in Zoning from County Agriculture District to B-2, Community Business District.
- a. Public Hearing
 - b. Action

2. MR. FREDRICK HONIG, President of Well Being International, Inc., requesting a rescinding of the denial of a State Land Use Commission Special Use Permit to operate the Spirit of Aloha Temple on State Agricultural District land to allow non-denominational church, wedding uses, and helicopter landing area on an 11-acre property located at 800 Haumana Road, TMK: (2) 2-8-004:032, Haiku, Island of Maui, Hawaii. (SUP2 2007/0009) (J. Prutch)

Action to deny permit request was taken at March 23, 2010 Maui Planning Commission meeting. Commissioner's intent to make the Motion to Rescind at the December 14, 2010 meeting made at the September 28, 2010 meeting.

- a. Public Hearing
- b. Action

3. Owner/Applicant FREDRICK HONIG, President of Well Being International, Inc., requesting a State Land Use Commission Special Use Permit to operate the Spirit of Aloha Temple on State Agricultural District land to include interfaith church and religious activities, including prayer services and gatherings; religious and educational classes, including yoga, meditation, and plant based nutrition classes; weddings; and interfaith seminars and retreats. on an 11-acre property located at 800 Haumana Road, TMK: (2) 2-8-004:032, Haiku, Island of Maui, Hawaii. (SUP2 2007/0009) (J. Prutch) The subject amended application does not include a helicopter landing area.

- a. Public Hearing
- b. Action

- _____ 4. MR. CLAYTON UYEHARA of NOVA LUNA, INC., requesting a County Special Use Permit and Special Management Area Assessment in order to operate the Nova Luna Residential Treatment Center, a residential treatment center for eating disorders in the R-3 Residential District at 476 Lilihua Place, TMK: 3-4-029: 022, Paukukalo, Wailuku, Island of Maui. (CUP 2009/0006) (L. Callentine)

- a. Public Hearing
- b. Action

F. COMMUNICATIONS

1. MR. CHRISTOPHER LAU, Commissioner appointed by the Court in the case of Wells Fargo Bank, N.A. as Trustee for Registered Holders for UBS Commercial Mortgage Trust 2007-FL1 v. Makena Hotel, LLC et. al., Civil No. 09-1-0625 requesting a transfer of the following Special Management Area Use Permits previously granted from HONU A LLC to ATC MAKENA S GOLF LLC and ATC MAKENA HOTEL LLC due to ownership change on the following projects located at Makena, Island of Maui (K. Wollenhaupt):
 - a. Special Management Area Use Permit dated November 13, 1998. (SM1 98/0013) for Makena Resort roadway and utility improvements at TMK: 2-1-005: 108 (por.); 2-1-007: 094 (por.); 2-1-008: 098 (por.); 2-1-008: 099 (por.); 2-1-008: 100(por.); 2-1-008: 106 (por.); and 2-1-008: 108 (por.); Makena, Island of Maui. All work has been completed under this permit. Transfer is from Honua LLC to ATC MAKENA S GOLF LLC.
 - b. Special Management Area Use Permit dated January 9, 2002 (SM1 2001/0013) for the Makena Alanui Roadway Improvement Project at TMK: 2-1-005: 085 (por.) And 2-1-005: 108 (por.), Makena, Island of Maui. Transfer is from HONU A LLC to ATC MAKENA S GOLF LLC.
 - c. Special Management Area Use Permit dated November 21, 1990 (86/SMA-010) to construct improvements to the Makena - Keoneoio Road including two (2) permanent cul-de-sacs and related road widening, public beach access, and 40 parking stalls, walkways, rock walls, public comfort station, beach activities shelter, landscaped planting, and related improvements at TMK: 2-1-005: 084,2-1-005: 086; 2-1-008: 056; 2-1-006: 057, 2-1-006: 057; 2-1-006: 059; and 2-1-006: lot 1-B, Makena, Island of Maui. Transfer is from HONU A LLC to ATC MAKENA HOTEL, LLC. Transfer is from HONU A LLC to ATC MAKENA HOTEL, LLC.

The Commission may take action on these transfer requests.

2. November 30, 2010 memo from James Giroux, Deputy Corporation Counsel to Clayton Yoshida transmitting the Hawaii Supreme Court Decision in the case of Paulette K. Kaleikini v. Laura H. Thielen, in her official capacity as Chairperson of the Board of Land and Natural Resources, Board of Land and Natural Resources, and the Department of Land and Natural Resources.

The Commission may decide if it wants to discuss the Hawaii Supreme Court opinion at the December 14, 2010 meeting or at a future meeting.

G. ACCEPTANCE OF ACTION MINUTES OF THE NOVEMBER 23, 2010 MEETING AND REGULAR MINUTES OF THE AUGUST 24, 2010 MEETING

H. DIRECTOR'S REPORT

1. Pursuant to the provisions of Section 12-202-17(d), notification to the Commission of the transfer of the following SMA Use Permit:

Special Management Area Use Permit transfer from Honua LLC to ATC Makena S Golf, LLC for the addition of an 18-hole golf course with snack shop/ restroom facilities and a new cart storage building and parking lot located at TMK: 2-1-005: 108 and 2-1-009: 090, Makena, Island of Maui. (89/SM1-035) (Kurt Wollenhaupt)

This is for notification purposes only pursuant to the Maui Planning Commission's Special Management Area Rules. No Commission action is necessary.

2. Planning Commission Projects/Issues
3. Discussion of Future Maui Planning Commission Agendas
 - a. January 11, 2011 meeting agenda items
 - b. Discussion of the more detailed schedule for the planned January 12, 2010 West Maui site inspections

I. NEXT MEETING DATE: January 11, 2011

J. 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. The deadline for filing a timely intervention was on November 30, 2010.

THOSE PERSONS REQUESTING SPECIAL ACCOMMODATIONS DUE TO DISABILITIES, PLEASE CALL

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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\121410.2ag)