

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

AGENDA

DATE: FEBRUARY 22, 2011 (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. PUBLIC HEARINGS (Action to be taken after each public hearing.)

1. MR. DON NELSON of NELLIE'S ON THE BEACH, LTD., requesting a Special Management Area Use Permit in order to construct the Nellie's Wedding and Catering Project, a 6,816 square feet commercial building, 41 on-site parking stalls, one (1) loading zone, landscape planting, and associated infrastructure improvements to support a wedding hall, accessory restaurant, and retail shop in the B-R Business Resort District at 85 North Kihei Road, TMK: 3-8-013: 011, Kihei, Island of Maui. (SM1 2010/0001) (G. Flammer)
  - a. Public Hearing
  - b. Action

2. MR. WILLIAM SPENCE, Planning Director transmitting Council Resolution No. 10-78 containing the following Bills for the Heritage Hall Project at 297 Baldwin Avenue, TMK: 2-5-006: 019, Paia, Island of Maui: (D. Dias)
  - a. A Bill for an Ordinance to Amend the Paia-Haiku Community Plan and Land Use Map from Heavy Industrial to Public/ Quasi-Public (CPA 2009/0003)
  - b. A Bill for an Ordinance to Change Zoning from Urban Reserve District to P-1 Public/ Quasi-Public District (CIZ 2009/0003)
  - a. Public Hearing
  - b. Action

D. UNFINISHED BUSINESS

1. MR. PETER K. MARTIN of OLOWALU ELUA ASSOCIATES, LLC requesting a Special Management Area Use Permit in order to relocate the proposed Driveway "D" identified in the Olowalu Mauka Subdivision from its original location east of Kapaiki Village to Luawai Street, roadway intersection improvements, realignment of the old cane haul road intersection with Luawai Street, drainage improvements, subdivision for additional right-of-way, waterline upgrades and improvements to the fire/emergency access road at TMK: 4-8-003: 084 (por.), 101(por.), 102 (por.), and 118 (por.), Olowalu, Island of Maui. (SM1 2010/0008) (K. Wollenhaupt) (public hearing conducted on February 8, 2011)

The Commission may take action on this request.

2. MR. WILLIAM SPENCE, Planning Director transmitting various amendments to Chapter 202: Special Management Area (SMA) Rules of the Maui Planning Commission to increase fines and have the SMA Violations be heard by the Maui Planning Commission instead of the Planning Director. (J. Alueta) (public hearing conducted on January 11, 2011)

The Commission may take action on this request.

E. COMMUNICATIONS

1. ISAAC HALL, Esq. attorney on behalf of KATHLEEN HELLER, EDWARD CHRISTENSEN, JEWEL BUSCH SMITH, DR. ROBERT LONDON SMITH, MICHAEL SHRIVE AND MARILYN SHRIVE, JOHN AND PATRICIA CINTULA, DOUGLAS AND MARIA PARKIN, THOMAS AND CAROLYN MORAVEC, KIMBERLY AND MARVIN WHITE, WILLIAM BOWMAN, GEORGE AND SANDI HODGERNEY, RHONDA LORD, ANTHONY AND JULIE HOOK, ROLF AND JENNIFER EVERS, MARY LAWRENCE, DON CEPENDA, GEORGE AND DAPHNE THOMPSON, MICHAEL AND SUSAN SCALES, STEPHEN IZZO, DONALD AND LINDA RANKIN, MICHAEL AND LINDA PERRY, CHARLES AND LYNN CANNON, YONIA KALHAR, REUEL AND JUDITH MATKIN AND STEVE AND JOAN PENNINGGS submitting a Petition to Intervene on the application of

MR. DON NELSON of NELLIE'S ON THE BEACH, LTD., requesting a Special Management Area Use Permit in order to construct the Nellie's Wedding and Catering Project, a 6,816 square feet commercial building, 41 on-site parking stalls, one (1) loading zone, landscape planting, and associated infrastructure improvements to support a wedding hall, accessory restaurant, and retail shop in the B-R Business Resort District at 85 North Kihei Road, TMK: 3-8-013: 011, Kihei, Island of Maui. (SM1 2010/0001) (G. Flammer)

The Commission may take action on this request. Should the Commission grant the intervention request, the Commission may select a Hearings Officer/ Hearings Panel and a Mediator.

2. MR. WILLIAM D. BROOKS of FERRARO CHOI & ASSOCIATES, LTD. on behalf of the STATE DEPT. OF EDUCATION requesting Off-Site Parking Approval for 201 parking stalls located at 980 Lahainaluna Road at TMK: 4-6--018: 005 in order to meet the required parking for Lahainaluna High School located at 980 Lahainaluna Road, TMK: 4-6-018: 012, Lahaina, Island of Maui. (OSP 2010/0005) ( K. Aoki)

The Commission may take action on this request.

3. STAN and HASSIE ZITNIK requesting a 10-year time extension on the Conditional Permit to the Zitnik Interior Design Office in order to continue to operate an interior design office at 2144 Kahookole Street , TMK: 3-4-006:004, Wailuku, Island of Maui. (CP 2005/0006) (G. Flammer)

The Commission may take action on this request.

4. WILLIAM E. and KATHLEEN A. CAMBRA requesting a 10-year time extension and an amendment to the hours of operation to stay open until 7:00 p.m. instead of 6:00 p.m. for the "Shampoo-U & Spa Too," a hair, skin, and nail care salon on approximately 2.119 acre parcel in the State Rural District at 212 Kula Highway, TMK: 2-3-032: 003, Kula, Island of Maui. (SUP2 2005/0003) (CP 2005/0004) (L. Callentine)

The Commission may take action on this request.

- F. Continuation of Maui Planning Commission 2<sup>nd</sup> Special Session on Protecting, Developing, and Conserving Coastal Resources: Recent flooding impacts to Kihei and South Maui with focus on reducing future impacts to flood-prone areas of South Maui. (J. Buika) (Session initiated at the February 8, 2011 meeting.)
- G. ACCEPTANCE OF ACTION MINUTES OF THE FEBRUARY 8, 2011 MEETING, REGULAR MINUTES OF THE JANUARY 25, 2011 MEETING AND MINUTES OF THE FEBRUARY 3, 2011 SITE INSPECTION.
- H. DIRECTOR'S REPORT

1. Pursuant to the Special Management Area Rules and the Shoreline Area Rules of the Maui Planning Commission, notification of the issuance of the following permits:
  - a. Special Management Area (SMA) Emergency Permit and Shoreline Setback Approval to MS. MARY KIELTY, South Maui Supervisor of the DEPARTMENT OF PARKS AND RECREATION for the Kamaole II Beach Park Restoration Project located at TMK: 3-9-005: 029, Kihei, Island of Maui. (SM3 2011/0003) (SSA 2011/0007) (A. Benesovska)

This is for notification purposes.

2. Planning Commission Projects/Issues
3. Discussion of Future Maui Planning Commission Agendas
  - a. Agenda items for the March 8, 2011 meeting

I. NEXT MEETING DATE: March 8, 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 February 7, 2011.

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 SIX (6) BUSINESS DAYS BEFORE THE SCHEDULED MEETING.

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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\022211.age)