

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

AGENDA

DATE: MARCH 8, 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. UNFINISHED BUSINESS

1. MR. LLOYD T. SUEDA of SUEDA & ASSOCIATES on behalf of HRT LTD. requesting a Phase II Project District Approval for the Maui Lani Shopping Center consisting of a major food market, retail and service shops, food court, gas facility, and other related uses on 12.926 acres within the Maui Lani Project District at the corner of the Maui Lani Parkway and Kaahumanu Avenue at TMK: 3-8-007: 121, Wailuku, Island of Maui. (PH2 2005/0007) (A. Cua) (Final Environmental Assessment accepted at the August 10, 2010 Maui Planning Commission meeting. Commissioners: Please bring your copy of the Final Environmental Assessment with you.)

The Commission may take action on this request.

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

1. MR. ED REINHARDT, President of MAUI ELECTRIC COMPANY, LTD requesting a County Special Use Permit for the Kuihelani Substation Project to meet increased anticipated demand for future electrical needs of Maui County to include the installation of improvements related to the electrical substation such as switchgear, circuit breakers, transformers, generators, a control building, poles, concrete pads for equipment and steel structures to support equipment in the County Agricultural District on property located directly east of the Kuihelani Highway/Maui Lani Parkway intersection at TMK: 3-8-006: portion of 003, Kahului, Island of Maui. A nine(9)-foot high fence will surround the site. New overhead transmission and distribution lines will be brought to the substation from existing lines in the area. (CUP 2010/0006) (P. Fasi)
 - a. Public Hearing
 - b. Action

E. UNFINISHED BUSINESS

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) (Public hearing conducted on February 22, 2011.)

The Commission may take action on this request.

F. 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 his intent to process the time extension request administratively on the following:
 - a. HOST GROUP MAUI GP LLC requesting a 2-year time extension on the Special Management Area Use Permit condition to initiate construction of the Hyatt Regency Maui Addition, the two timeshare towers and related improvements at TMK: 4-4-013: 003, 4-4-013: 004, 4-4-013: 005, 4-4-013: 008, Kaanapali, Island of Maui. (SM1 2006/0001) (J. Dack)

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.

G. NEW BUSINESS

1. MR. DOUGLAS POSELEY requesting an Environmental Assessment determination on the Final Environmental Assessment (EA) prepared in support of the Community Plan Amendment from Park to Agriculture for property situated near Milepost 15 Honoapiilani Highway at TMK: 4-8-003: 047, Olowalu, Island of Maui (EA 2010/0004) (G. Flammer) (Final EAs previously circulated at the November 9, 2010 Maui Planning Commission meeting.) (Commissioners: Please bring your copy with you.) (Previously scheduled for the February 8, 2011 meeting. To begin at 1:00 p.m. or soon thereafter.)

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 EA and issue a Findings of No Significant Impact (FONSI) or take some other action.

- H. Maui Planning Commission Discussion on how to make Condition No. 23 of the Special Management Area Use Permit for the Kai Holu (formerly Kaunoa II) Subdivision regarding the limit of one dwelling per lot at Spreckelsville, Island of Maui. (95SM1-1000) The item was placed on the agenda as voted on at the January 25, 2011 meeting.)

The Commission's intent is to provide clarification so that future owners know of this condition, but not to alter it in any way. The Commission may provide direction on how to do this or offer some other proposed plan of action.

- I. ACCEPTANCE OF ACTION MINUTES OF THE FEBRUARY 22, 2011 MEETING AND REGULAR MINUTES OF THE OCTOBER 26, 2010 MEETING

J. DIRECTOR'S REPORT

1. Planning Commission Projects/Issues
2. Discussion of Future Maui Planning Commission Agendas
 - a. Agenda items for the March 22, 2011 meeting

- K. NEXT MEETING DATE: March 22, 2011

L. 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 22, 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.

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\030811.age)