

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

AGENDA

DATE: APRIL 26, 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: Kent Hiranaga (Chair), Warren Shibuya (Vice-Chair), John "Keone" Ball, Donna Domingo, Jack Freitas, Ivan Lay, Ward Mardfin, Lori Sablas, 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. PUBLIC HEARINGS (Action to be taken after each public hearing.)

1. MR. GLENN OKIMOTO, Director of the STATE DEPARTMENT OF TRANSPORTATION requesting a Special Management Area Use Permit and a Shoreline Setback Variance for the proposed Honoapiilani Highway Shoreline Protection Project to provide shoreline protection along a 900 foot stretch of shoreline involving the placement of large boulders ranging in size between 2.3 to 3.8 tons and rock fill under them, widening of the existing road shoulder, and the installation of jersey crash barriers, between Launiupoko Point and Hekili Point, TMK: 4-8-003: 006 (por.), Olowalu, Island of Maui. (SM1 2009/0005) (SSV 2009/0001) (J. Dack)

- a. Public Hearing
- b. Action

2. MS. MARCIA LUCAS requesting a Special Management Area Use Permit and a 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. (SM1 2009/0018) (SSV 2009/0005) (J. Buika)
 - a. Public Hearing
 - b. Action

3. MR. ALAN K. ARAKAWA, Senior Vice-President of A&B PROPERTIES, INC. requesting a Special Management Area Use Permit for the proposed Maui Business Park Phase II Subdivision, North Project Area, in order to develop a 32-lot light industrial subdivision, including subdivision road, common area landscaping, installation of utilities as well as drainage improvements at TMK: 3-8-079: 013, 021 (por.), and 999 (por.) and 3-8-001: 166 (por.), Kahului, Island of Maui. (SM1 2010/0005) (D. Dias)
 - a. Public Hearing
 - b. Action

4. MR. THOMAS R. COLE (attorney) and MRS. GWEN HIRAGA (consultant) of MUNEKIYO & HIRAGA, INC. on behalf of NELLIE'S ON MAUI LTD. (Don Nelson), requesting a Conditional Permit in order to use a single family beach front residence for a 3-bedroom transient vacation rental at 2284 South Kihei Road, TMK: 3-9-005: 026, Kihei, Island of Maui. (CP 2003/0009) (J. Prutch)
 - a. Public Hearing
 - b. Action

C. COMMUNICATIONS

1. MARY BLAINE JOHNSTON, Deputy Corporation Counsel providing a status report on the Settlement Agreement on the following matter: (T. Kapuaala) (To be taken up at 1 pm or shortly thereafter.)

MR. 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)

Also requesting a meeting date for the Commission to act on the proposed Settlement Agreement.

The Commission may select a date and time to take action on the proposed Settlement Agreement.

2. MR. JOHN RAPACZ, attorney for SVOP, INC., submitting SVOP's 2011 annual report of its disbursements of funds to intervener West Maui Preservation Association and to the West Maui Community Benefit Fund pursuant to the Lot 3 Settlement Agreement between the Applicant and the Intervener as required by Condition No. 44 of the Special Management Area Use Permit for the Kaanapali Ocean Resort Villas - Lot 3 project at TMK: 4-4-014: 005 (por.), Kaanapali, Island of Maui. (SM1 2006/0018) (P. Fasi)

Condition No. 44 of the SMA Permit states:

"44. That an annual report shall be filed with the Commission for its information on the disbursement of the funds in the Lot 3 Settlement Agreement by the applicant to the intervener and to the West Maui Community Benefit Fund."

D. NEW BUSINESS

1. MR. ROBERT T. MCDANIEL III, Development Partner of KANAHA PROFESSIONAL PLAZA, LLC requesting an Environmental Assessment determination on the Final 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 reviewed at the July 27, 2010 meeting.)

The accepting authority of the EA is the Maui Planning Commission.

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 take action to accept the Final Environmental Assessment and issue a Findings of No Significant Impact (FONSI) or take another action.

E. ACCEPTANCE OF THE ACTION MINUTES OF APRIL 12, 2011 MEETING AND REGULAR MINUTES OF THE JANUARY 11, 2011 AND MARCH 22, 2011 MEETINGS

F. DIRECTOR'S REPORT

1. EA/EIS Report

2. SMA Minor Permit Report
 3. SMA Exemptions Report
 4. Planning Commission Projects/Issues
 - a. Revising the SMA Boundaries
 5. Discussion of Future Maui Planning Commission Agendas
 - a. May 10, 2011 meeting agenda items
- G. NEXT REGULAR MEETING DATE: MAY 10 , 2011
- H. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

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 Petition to Intervene was on April 11, 2011.

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.

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.

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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\042611.age)**