

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

AGENDA

DATE: AUGUST 28, 2012 (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), Ivan Lay (Vice-Chair), John "Keone" Ball, Donna Domingo, Jack Freitas, Wayne Hedani, Warren Shibuya, Max Tsai, 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 HEARING (Action to be taken after public hearing.)

1. MR. JAY HIRAIDE requesting a Conditional Permit for the Jay Hiraide Office in order to convert 1,212 square feet of an existing 3,087 square foot single-family residence into a sealed-off real estate office with a separate entrance in the R-3 Residential District at 295 Waiehu Beach Road, TMK: 3-4-043: 007, Wailuku, Island of Maui. (CP 2011/0001) (J. Prutch)

- a. Public Hearing
- b. Action

C. UNFINISHED BUSINESS

1. THOMAS WELCH, Esq. of MANCINI, WELCH, & GEIGER, attorney for DOUGLAS POSELEY, DONNA ANNE POSELEY, PETE UGRINICH, and JANET UGRINICH appealing the Planning Director's decision dated September 8, 2008 for refusing to process the Special Management Area Assessment Application (SMX 2008/0118) for the construction of a single-family residence and related improvements in the Olowalu Makai-Hikina Subdivision located off of Honoapiilani Highway, TMK: 4-8-003: 047 (Lot 47-A), Olowalu, Lahaina, Island of Maui. (APPL 2008/0002) (T. Kapuaala)

- a. THOMAS WELCH, JR. and JAMES GEIGER, attorneys for Appellants DOUGLAS POSELEY, DONNA ANNE POSELEY, PETE UGRINICH, and JANET UGRINICH submitting a Stipulation for Dismissal of the Appeal date stamped on June 18, 2012 of the Planning Director's Letter dated September 8, 2008 due to the issuance of the SMA exemption for the proposed action. (APPL 2008/0002) (T. Kapuaala)

The Stipulation for Dismissal was also signed by MARY BLAINE JOHNSTON, attorney for Appellee County of Maui. The Stipulation for Dismissal was approved and so ordered by KENT HIRANAGA, Chairman, MAUI PLANNING COMMISSION.

The Commission may acknowledge receipt of the Stipulation of Dismissal and file the Appeal and matters related to it.

2. Notification of the transfer of the following Special Management Area Use Permit per the Special Management Area Rules of the Maui Planning Commission:

Transfer of the Special Management Area Use Permit from the MATTHEW G. NORTON COMPANY, a Washington Corporation to MGN HAWAII LAND INVESTMENTS LLC, a Washington limited liability company for the undeveloped lot of the Keawakapu Beach Lots Subdivision, a 2-lot subdivision with a single-family dwelling on each lot and related improvements at 3180 and 3190 South Kihei Road, TMK: 2-1-010: 031, Keawakapu, Kihei, Island of Maui. (SM1 2008/0002) (SSA 2007/0031) (EA 2008/0001) (SSV 2008/0001) (SSD 2007/0017) Residence 1, Parcel 11 only. (J. Buika) (Deferred at the August 14, 2012 meeting.)

This is for information purposes only.

C. ACCEPTANCE OF THE ACTION MINUTES OF THE AUGUST 14, 2012 MEETING AND REGULAR MINUTES OF THE MAY 8, 2012 AND JUNE 26, 2012 MEETINGS

D. DIRECTOR'S REPORT

1. Notification of the transfer of the following Special Management Area Use Permit per the Special Management Area Rules of the Maui Planning Commission:

Transfer of the Special Management Area Use Permit from CENTRAL PACIFIC BANK to GKT @ LIPOA LLC for the proposed Pacific Plaza office building and related improvements at 99 Lipoa Street, TMK: 3-9-002: 215, Kihei, Island of Maui. (SM1 2006/0041) (A. Benesovska)

This is for information purposes only.

2. MR. WILLIAM SPENCE, 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 following time extension request administratively:

- a. GKT @ LIPOA LLC requesting a two (2)-year time extension on the Special Management Area Use Permit condition to initiate construction of the Pacific Plaza office building and related improvements at 99 Lipoa Street, TMK: 3-9-002: 215, Kihei, Island of Maui. (SM1 2006/0041) (A. Benesovska)

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.

- b. MR. TAE MURPHY requesting a two (2)-year time extension on the Special Management Area Use Permit condition to initiate construction of an office building and related improvements at 40 Halekuai Street, TMK: 3-9-051: 019, Kihei, Island of Maui. (SM1 2005/0040) (A. Benesovska)

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.

- c. MR. RYAN CHURCHILL, President and COO of MAUI LAND & PINEAPPLE COMPANY, INC. requesting a two (2)-year time extension on the Special Management Area Use Permit condition to initiate construction of the Kapalua Site 6-0 Project consisting of approximately 42 workforce housing apartment units with a community center, three (3) new light industrial buildings for warehousing, offices, utilities and resort maintenance with accessory storage buildings, parking, landscaping and other related infrastructure improvements as well as demolition of existing storage and maintenance buildings at TMK: 4-2-004: 048, Kapalua, Lahaina, Island of Maui. (SM1 2006/0022) (PD1 2006/0002) (PD2 2006/0002) (K. Aoki)

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.

3. Planning Commission Projects/Issues
  - a. Amending the SMA Boundaries
4. EA/EIS Report
5. SMA Minor Permit Report

6. SMA Exemptions Report
  7. Discussion of Future Maui Planning Commission Agendas
    - a. September 11, 2012 meeting agenda items
- E. NEXT REGULAR MEETING DATE: SEPTEMBER 11, 2012
- F. 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.

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.

**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\082812.age)