

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 13, 2013
TIME: 9:00 A.M.
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii 96793
Members: Ivan Lay (Chair), Warren Shibuya (Vice-Chair), John "Keone" Ball, Sandra Duvauchelle, Jack Freitas, Wayne Hedani, Jason Medeiros, 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 each public hearing item.)

1. MR. WILLIAM SPENCE, Planning Director, transmitting Council Resolution No. 13-66 containing A Bill for an Ordinance Amending Section 19.510.040, Maui County Code relating to Change of Zoning Protests. (J. Alueta)

- a. Public Hearing
- b. Action

2. LAWRENCE N.C. ING, attorney for LOUIS S. WALSH, STEVEN P. WALSH, and LAUREEN T. WALSH requesting a zoning change from R-3 Residential District to B-2 Community Business District in order to continue to operate the Kihana Nursery, a plant nursery and garden store at 1746-A South Kihei Road, TMK: 3-9-011: 017, Kihei, Island of Maui. (CIZ 2008/0006) (J. Prutch)

- a. Public Hearing
- b. Action

3. MS. CATHERINE CLARK requesting a State Land Use Commission Special Use Permit in order to operate the Pinnacle Short-Term Rental Home, a five (5)-bedroom short-term rental home in the State Agricultural District at 2356 Umi Place, TMK: 2-7-003: 106, Haiku, Island of Maui. (SUP2 2012/0012) (D. Dias)

- a. Public Hearing
- b. Action

C. COMMUNICATIONS

1. MS. CAROLINE KILLHOUR, Executive Director of HUI NOEAU VISUAL ARTS CENTER requesting an amendment to their State Land Use Commission Special Use Permit for the operation of a Pilot School Program for 2-3 years with a maximum of 50 students at the Hui Noeau Visual Arts Center on approximately 10.86 acres of land at 2841 Baldwin Avenue, TMK: 2-4-002: 011 and 006, Makawao, Island of Maui. (SUP2 980002) (A. Cua)

The SUP2 amendment request includes the reconstruction of an existing garage currently used for storage and workspace to be used for classroom/storage for the school and the addition of a 160 square foot patio and 72 square foot entry.

The Commission may take action on this request.

2. MR. CORINNE ARQUERO, General Manager of WHALERS VILLAGE, GENERAL GROWTH PROPERTIES requesting a use determination to operate a farmers market such as the Kaanapali Fresh "Grown on Maui" Farmers Market in the B-R Business Resort Commercial District at the Whalers Village Shopping Center at TMK: 4-4-008: 001, Kaanapali, Island of Maui. (ACC 2013/0003) (L. Callentine)

The Commission may take action on this request.

3. Approval of proposed Settlement Agreement on the following:

PAUL R. MANCINI, attorney representing HENRY and DIANE SCHWEITZER appealing the Planning Director's Notices of Violation (NOV 2012/0017, 0018, 0019, 0020) dated August 29, 2012 for the construction of concrete stairs and a seawall within the shoreline and special management areas without first obtaining shoreline approvals or special management area determinations for property located at 4865 Lower Honoapiilani Highway, TMK: 4-3-015: 001, Lahaina, Island of Maui. (APPL 2012/0009) (RFS 09-0002157) (T. Kapuaala)

The Commission may act to approve the proposed Settlement Agreement or take some other action.

D. ACCEPTANCE OF THE ACTION MINUTES OF THE JULY 23, 2013 MEETING AND REGULAR MINUTES OF THE MAY 28, 2013, JUNE 10, 2013 AND JUNE 25, 2013 MEETINGS

E. DIRECTOR'S REPORT

1. Pursuant to the Special Management Area Rules of the Maui Planning Commission, notification to the Maui Planning Commission of the filing of the following Special Management Area (SMA) Appeal on July 19, 2013:

ISAAC HALL, attorney for MAUI TOMORROW FOUNDATION, INC., LANCE HOLTER, the LUNA PLACE ROAD ASSOCIATION, TERILARRONDE, and MICHAEL NEWBRO submitting an appeal dated July 19, 2013 of the SMA Minor Permit and Country Town Business (CTB) approval issued by the Planning Director for renovations and refurbishment to an existing building and the Mercantile building (Rock and Brews) at 120 Hana Highway, TMK: 2-6-005: 033, Paia, Island of Maui. (SM2 2013/0069) (SMX 2012/0414) (CTB 2013/0003) (APPL 2013/0005) (E. Wade)

This is for notification purposes pursuant to the SMA Rules of the Maui Planning Commission. No action will be taken.

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 requests administratively:

- a. MR. GRANT Y.M. CHUN, Vice-President of A&B PROPERTIES, INC. requesting a Special Management Area Use Permit two (2)-year time extension on the period to initiate construction of the Kane Street Commercial Mixed-Use Project at TMK: 3-7-005: 003, 011, and 023 (por.), Kahului, Island of Maui. (SM12005/0004) (C. Thackerson)

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. ALFRED FAIRBANKS requesting a Special Management Area two (2)-year time extension on the period to initiate construction on the Special Management Area Use Permit for the Alahele Subdivision, a 48-lot single family residential subdivision at Alahele Street, TMK: 3-9-017: 034, Kihei, Island of Maui. (SM1 2007/0006) (J. Buika)

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. Designation of the Hana Advisory Committee to the Maui Planning Commission to conduct the public hearing and make recommendations on the subject applications:

- a. ANDREW and ROBIN RAYNER requesting a State Land Use Commission Special Use Permit in order to operate the Kalo Ohana Bed and Breakfast, a two (2) bedroom bed and breakfast located in the State Agricultural District at 120 Kalo Road, TMK: 1-3-009: 021, Hana, Island of Maui. (SUP2 2012/0027) (G. Flammer)

The Commission may act to direct the Hana Advisory Committee to conduct the public hearing and make its recommendation to the Planning Commission on the subject application or take some other action.

- b. RICHARD and JODY SMITH requesting a State Land Use Commission Special Use Permit in order to operate the Luana Cottage, a two (2)-bedroom short term rental home located in the State Agricultural District at 36 Waiapanapa Road, TMK: 1-3-005: 019, Hana, Island of Maui. (SUP2 2013/0012) (G. Flammer)

The Commission may act to direct the Hana Advisory Committee to conduct the public hearing and make its recommendation to the Planning Commission on the subject application or take some other action.

- c. PAUL and HELENE ORSULAK requesting a State Land Use Commission Special Use Permit in order to operate the Hale Heavenly Hana, a two(2) - bedroom short term rental home located in the State Agricultural District at 2925 Hana Highway, TMK: 1-3-009: 053, Hana, Island of Maui. (SUP2 2013/0017) (G. Flammer)

The Commission may act to direct the Hana Advisory Committee to conduct the public hearing and make its recommendation to the Planning Commission on the subject application or take some other action.

- d. ROBERT HENRIKSON requesting a State Land Use Commission Special Use Permit and a Short-Term Rental Home Permit in order to operate the Hana Gardenland, a four(4) bedroom short-term rental home located in the State Agricultural District at 65 Kalo Road, TMK: 1-3-009: 027, Hana, Island of Maui. (SUP2 2013/0010) (STHA T2013/0001) (G. Flammer)

The Commission may act to direct the Hana Advisory Committee to conduct the public hearing and make its recommendation to the Planning Commission on the subject application or take some other action.

4. Planning Commission Projects/Issues
5. EA/EIS Report
6. SMA Minor Permit Report

7. SMA Exemptions Report
 - 8.. Discussion of Future Maui Planning Commission Agendas
 - a. August 27, 2013 meeting agenda items
- F. NEXT REGULAR MEETING DATE: AUGUST 27, 2013
- G. 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 DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, MAUI, HAWAII 96793. The deadline for filing a timely Petition to Intervene was on July 30, 2013.

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 (2) 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 DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, MAUI, HAWAII 96793.

THOSE PERSONS REQUESTING SPECIAL ACCOMMODATIONS DUE TO DISABILITIES, PLEASE CALL THE DEPARTMENT OF PLANNING AT 270-7735 (Maui) OR 1-800-272-0117 (Molokai) OR 1-800-272-0125 (Lanai) OR NOTIFY THE DEPARTMENT OF PLANNING IN WRITING AT ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, 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\081313.age)