

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

AGENDA

DATE: OCTOBER 22, 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. GRANT Y.M. CHUN, Vice-President of A&B PROPERTIES, INC. requesting a Special Management Area Use Permit in order to construct two (2) new retail buildings (including a proposed TJ Maxx Store) totaling 32,600 sq. ft., associated parking improvements, and related improvements at the Maui Mall, 70 E. Kaahumanu Avenue, TMK: 3-7-009: 004(por.) and 005, Kahului, Island of Maui. (SM1 2013/0004) (C. Thackerson)

- a. Public Hearing
- b. Action

C. COMMUNICATIONS

1. MR. SCOTT CRAWFORD, Chair of the HANA ADVISORY COMMITTEE TO THE MAUI PLANNING COMMISSION transmitting their recommendation on the request by MS. BRIANNA LEE EVERETT for a State Land Use Commission Special Use Permit in order to operate the Hana's Tradewind Cottage, a two (2) bedroom bed and breakfast home on property situated in the State Agricultural District at 143 Alalele Place, TMK: 1-3-009: 107, Hana, Island of Maui. (SUP2 2012/0034) (G. Flammer)

The Commission may take action on this request.

2. MR. SCOTT CRAWFORD, Chair of the HANA ADVISORY COMMITTEE TO THE MAUI PLANNING COMMISSION transmitting their recommendation on the request by RICHARD and ANDREA M. RAY for a State Land Use Commission Special Use Permit in order to operate the Hale Noa Short-Term Rental Home (STRH), a two (2) bedroom short-term rental home on property situated in the State Agricultural District at 175 Ulaino Road, TMK: 1-3-009: 091, Hana, Island of Maui. (SUP2 2013/0003) (G. Flammer)

The Commission may take action on this request.

D. UNFINISHED BUSINESS

1. WILLIAM and CONNIE LAWLER requesting a Bed and Breakfast (B&B) Permit in order to operate the Maui Ocean Palms B&B, a two (2) bedroom bed and breakfast in the State Rural District at 1136 Kupulau Drive, TMK: 2-1-018: 072, Maui Meadows, Kihei, Island of Maui. (BBKM T2013/0001) (J. Prutch) (Public hearing conducted on September 24, 2013) **(Commissioners: Please bring the Department's Director's Report and the Recommendation Memorandum on this item from the September 24, 2013 with you to this meeting.)**

This matter is being brought to the Maui Planning Commission because there is a permitted B&B operation located within 500 ft.

The Commission may take action on this request.

E. ACCEPTANCE OF THE ACTION MINUTES OF OCTOBER 8, 2013 MEETING AND REGULAR MINUTES OF THE SEPTEMBER 24, 2013 MEETING

F. 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) Appeals:
  - a. ISAAC HALL, attorney for MAUI AINA COMPANY, LLC, JOSH STONE, and MARTIN BRASS in their capacities as managing members of MAUI AINA COMPANY, LLC and CHRIS and ANNIE MARIE MCNEIL, and FRANCINE AARONA submitting an appeal dated September 20, 2013 of the amended SMA Minor Permit issued by the Planning Director for an addition to the Paia Inn at 93 Hana Highway, TMK: 2-6-002: 027, Paia, Island of Maui. (APPL 2013/0007) (SM2 2013/0087) (SMX 2013/0234) (E. Wade)

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

- b. ISAAC HALL, attorney for JAMES BENDON, ROBERT and MARGARET KAPLAN, CYRUS MONROE, APRIL NIMS and PETER SIRACUSA submitting an appeal dated September 20, 2013 of the issuance of an SMA Exemption for the milling and resurfacing of Runway 2-20 at the Kahului Airport at 1 Kahului Airport Road, TMK: 3-8-001: 019, Kahului, Island of Maui (APPL 2013/0008) (SM5 2013/0189) (SMX 2013/0324) (P. Fasi).

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

2. Notification to the Maui Planning Commission of the issuance of the following Special Management Area Emergency pursuant to its Special Management Area (SMA) Rules:

October 3, 2013 Special Management Area Emergency Permit approval letter issued to the KAHANA SUNSET AOA for the removal of a shoreline encroachment and seawall repairs to a seawall that has been undermined at the Kahana Sunset located at 4909 Lower Honoapiilani Road, TMK: 4-3-003: 015, Kahana, Lahaina, Island of Maui. (SM3 2013/0003) (J. Buika)

This item is for the Commission's review pursuant to the Commission's SMA Rules.

3. Planning Commission Projects/Issues
4. EA/EIS Report
5. SMA Minor Permit Report
6. SMA Exemptions Report
7. Discussion of Future Maui Planning Commission Agendas
  - a. November 12, 2013 meeting agenda items

F. NEXT REGULAR MEETING DATE: NOVEMBER 12, 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 for an item where the first public hearing date is October 22, 2013 was on October 8, 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\102213.age)