

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

AGENDA

DATE: DECEMBER 10, 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. MAUI R&T PARTNERS, LLC requesting the following land use changes for Maui Research and Technology Park for properties situated mauka of the Piilani Highway at the Piilani-Lipoa Parkway intersection at TMK: 2-2-024: 002 to 008, 009 (por.), 014 to 018, 032, 034, 036 to 044, 045 (por.), 046, and 2-2-002: 084 (por.), Kihei, Island of Maui. (K. Wollenhaupt)

a. Community Plan Amendment (406.009 acres total) (CPA 2013/0001)

- 1) Add text to the Kihei-Makena Community Plan to describe the Maui Research and Technology Park District (verbatim text from the Maui Island Plan);
- 2) Change the community plan land use designation of approximately 359.136 acres from Kihei-Makena Project District 6 to Maui Research and Technology Park District;
- 3) Change the community plan designation of approximately 39.018 acres from Public/Quasi to Maui Research and Technology Park District; and

- 4) Change the community plan designation of approximately 7.855 acres from Agriculture District to Maui Research and Technology Park District.

b. Changes to Title 19, Maui County Code

- 1) Add Chapter 19.33A Maui Research and Technology Park District

Kihei-Makena Project District 6 will not be deleted from the Kihei-Makena Community Plan and Chapter 19.33 of the Maui County Code will not be deleted from Title 19 as two parcels not included in the request will retain these designations.

c. Change of Zoning (406.009 acres total)

- 1) Change the zoning of approximately 260.905 acres from County Agriculture District to Maui Research and Technology Park District.
- 2) Change the zoning of approximately 145.104 acres from Kihei Research and Technology Park District to Maui Research and Technology Park District.

- a. Public Hearing
- b. Action

C. COMMUNICATIONS (To begin at approximately 1:00 p.m. or soon thereafter.)

1. VERIZON WIRELESS/CROWN CASTLE requesting an amendment to the County Special Use Permit in order to mount a 10-ft. diameter microwave dish antenna on an existing monopole on 933 acres at 99 Mill Place (Hana Ranch), TMK: 1-4-003: 009, Hana, Island of Maui. (CUP2010/0004) (P. Fasi)

The Commission may take action on this request.

D. SPECIAL MANAGEMENT AREA APPEALS

1. a. ISAAC HALL, attorney for MAUI TOMORROW FOUNDATION, INC., LANCE HOLTER, the LUNA PLACE ROAD ASSOCIATION, TERI LARRONDE, 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)

The Commission and public were notified of this appeal through the August 13, 2013 Maui Planning Commission agenda.

- b. ISAAC HALL, attorney for MAUI TOMORROW FOUNDATION, INC., LANCE HOLTER, THE LUNA PLACE ROAD ASSOCIATION, TERI LARRONDE, and MICHAEL NEWBRO submitting an appeal dated October 17, 2013 of the amended SMA Minor Permit and an amended Country Town Business (CTB) Approval issued by the Planning Director for Renovations and refurbishment to an existing building and the Mercantile building at 120 Hana Highway, TMK: 2-6-005: 033, Paia, Island of Maui. (APPL 2013/0010) (SM2 2013/0069) (SMX 2012/0414) (CTB 2013/0003) (APPL 2013/0010) (E. Wade)

The Commission and the public were notified of this appeal through the November 12, 2013 Maui Planning Commission agenda.

Pursuant to the Maui Planning Commission's Special Management Area Rules and its Rules of Practice and Procedure, the parties in both appeals are:

- a. Appellants - Maui Tomorrow Foundation, Inc., Lance Holter, the Luna Place Road Association, Teri Larronde, and Michael Newbro
- b. Applicant - Rock and Brews Paia, LLC
- c. Appellee - Department of Planning

No timely Petitions to Intervene were filed on either appeal.

The Commission may take action on the following matters:

- a. Consolidation of the two appeals, APPL 2013/0005 and APPL 2013/0010.
- b. Hearing on the November 25, 2013 Motion by ROCK AND BREWS PAIA, LLC:

PETER A. HOROWITZ and KRISTINE TSUKIYAMA of MERCHANT HOROWITZ, LLLC, attorneys for Applicant ROCK & BREWS PAIA, LLC's Motion to Dismiss or in the Alternative for Summary Judgement regarding the two appeals, APPL 2013/0005 and APPL 2013/0010.
- c. Appointment of the Hearings Body/ Hearings Officer.
- d. Appointment of a Mediator if the parties wish to enter into mediation.
- e. Selection of date(s) for contested case hearing if the Commission is the hearings body
- f. Selection of presiding officer(s) to conduct prehearing conference(s) to establish deadlines for the orderly conducting of the contested case hearing if the Commission is the hearings body.

E. ACCEPTANCE OF THE ACTION MINUTES OF NOVEMBER 26, 2013 MEETING AND
REGULAR MINUTES OF THE OCTOBER 8, 2013 MEETING

F. DIRECTOR'S REPORT

1. MR. WILLIAM SPENCE, Planning Director notifying the Maui Planning Commission's
Special Management Area (SMA) Rules of the approval of the following SMA Use
Permit transfers:

- a. SMA Use Permit transfer from MAUI BEACH PLACE, LLC to MBP TEXAS
REALTY, LLC for the Maui Beach Place, three (3)-unit residential condo and
related improvements by letter dated November 21, 2013 at 2192 Ilii Road,
TMK: 3-9-005: 033, Kihei, Island of Maui. (SM1 2007/0017) (SSD 2007/0015)
(J. Buika)

The Commission shall acknowledge receipt of the SMA Use Permit transfer
approval letter.

- b. SMA Use Permit transfer from KAPALUA BAY, LLC to ISLAND
ACQUISITIONS KAPALUA, LLC for The Residences at Kapalua Bay and
related improvements by letter dated November 22, 2013 at TMK: 4-2-004:
027 and 028, Kapalua, Lahaina, Island of Maui. (SM1 2005/0001)
(PD1 2005/0003) (PD2 2005/0003) (SSV 2005/0002) (K. Wollenhaupt)

The Commission shall acknowledge receipt of the SMA Use Permit transfer
letter.

2. Planning Commission Projects/Issues
3. EA/EIS Report
4. SMA Minor Permit Report (see attached)
5. SMA Exemptions Report (see attached)
6. Discussion of Future Maui Planning Commission Agendas
- a. January 14, 2014 meeting agenda items

G. NEXT REGULAR MEETING DATE: JANUARY 14, 2014

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 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 December 10, 2013 was on November 25, 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.
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