

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

AGENDA

DATE: FEBRUARY 25, 2014  
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

A. CALL TO ORDER

B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered.

C. PUBLIC HEARING (Action to be taken after each public hearing item.)

1. MR. ANTHONY WRZOSEK, Vice-President of R.D. OLSON DEVELOPMENT requesting a Planned Development Step II Approval and a Special Management Area Use Permit for the Piilani Suites Hotel, a 200-room hotel with on-site amenities including swimming pool, restaurant, on-site parking and associated on and offsite infrastructure improvements on approximately 6.377 acres on Wailea Ike Drive at TMK: 2-1-008: por. of 121, Wailea, Island of Maui. (PD2 2013/0003) (SM1 2013/0012) (K. Wollenhaupt)

- a. Public Hearing
- b. Action

2. MR. EDWARD T. DEWEY of THE SHOPS AT WAILEA, L.P. requesting Planned Development Step I and Step II Approvals and a Special Management Area Use Permit for construction of the Island Country Market at The Shops at Wailea, an approximately 13,480 sq. ft. free-standing grocery store building with a 2,998 sq. ft. mezzanine level for storage, landscaping, and related infrastructure improvements at 3750 Wailea Alanui Drive, TMK: 2-1-008: 074, Wailea, Island of Maui. (PD1 2013/0003) (PD2 2013/0002) (SM1 2013/0009) (D. Dias)

- a. Public Hearing
- b. Action

D. COMMUNICATIONS

1. MR. SCOTT CRAWFORD, Chair of the HANA ADVISORY COMMITTEE TO THE MAUI PLANNING COMMISSION transmitting the Committee's recommendation on

the request by RICHARD and JODY SMITH for 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 take action on this request.

2. MR. SCOTT CRAWFORD, Chair of the HANA ADVISORY COMMITTEE TO THE MAUI PLANNING COMMISSION transmitting the Committee's recommendation on the request by PAUL and HELENE ORSULAK for 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 take action on this request.

3. Proposed SMA Settlement Agreement between the COUNTY OF MAUI and FREDRICK R. HONIG, Trustee of the FREDRICK R. HONIG REVOCABLE LIVING TRUST to resolve three (3) Notices of Violation (NOV 2012/0023, NOV 2012/0024, & NOV 2012/0025) on property situated at 800 Haumana Road, TMK: 2-8-004: 012, Haiku, Island of Maui. (T. Kapuaala)

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

E. ADOPTION OF WRITTEN DECISION AND ORDERS ON ACTIONS TAKEN AT THE DECEMBER 10, 2013 MAUI PLANNING COMMISSION MEETING (Deferred by requests of the parties at the February 11, 2014 meeting. Commissioners: Please bring your documents with you.)

1. Proposed Order submitted on January 9, 2014 by PETER A. HOROVITZ and KRISTINE TSUKIYAMA of MERCHANT HOROVITZ, LLLC, attorneys for Applicant ROCK & BREWS PAIA, LLC granting Applicant ROCK & BREWS PAIA, LLC'S Motion to consolidate the following appeals:
  - 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.

The Commission may take action to adopt the proposed Order as the Commission's Order, adopt the proposed Order as the Commission's Order with modifications or take some other action.

2. Proposed Findings of Fact, Conclusions of Law, Decision and Order submitted by PETER A. HOROVITZ and KRISTINE TSUKIYAMA of MERCHANT HOROVITZ LLLC, attorneys for Applicant ROCK & BREWS PAIA granting ROCK & BREWS PAIA, LLC's Motion to Dismiss or in the Alternative for Summary Judgement regarding the following consolidated appeal:

- 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.

The Commission may take action to adopt the proposed Findings of Fact, Conclusions of Law, and Decision and Order as the Commission's Findings of Fact, Conclusions of Law, and Order; adopt the proposed Findings of Fact, Conclusions of Law, and Decision and Order with modifications as the Commission's Findings of Fact, Conclusions of Law, and Decision and Order; or take some other action.

- F. ACCEPTANCE OF ACTION MINUTES OF THE FEBRUARY 11, 2014 MEETING.
- G. DIRECTOR'S REPORT
  - 1. SMA Minor Permit Report (Appendix A)
  - 2. SMA Exemptions Report (Appendix B)
  - 3. Discussion of Future Maui Planning Commission Agendas
    - a. March 11, 2014 meeting agenda items
- H. NEXT REGULAR MEETING DATE: MARCH 11, 2014
- I. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES PURSUANT TO SEC. 92-5(a)(4), HRS.

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 February 25, 2014 was on February 10, 2014.

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON EACH AGENDA ITEM SUBJECT TO THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES AND THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE. IN ACCORDANCE WITH THESE RULES MAXIMUM TIME LIMITS OF AT LEAST THREE MINUTES MAY BE ESTABLISHED BY THE COMMISSION ON INDIVIDUAL TESTIMONY.

WRITTEN TESTIMONY REQUESTED 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.

**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.

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 ENSURE THAT IT IS CIRCULATED TO THE COMMISSION.

**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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County of Maui  
 Kalana O Maui Building  
 200 South High Street,  
 Wailuku, HI 96793-2155

## PD-Approved SMA Minor Projects for Maui

02/11/2014

Permit Completion Date: 01/29/2014 - 02/11/2014

Permit #	Project	Description	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM2-20140003	KIHEI SEVENTH-DAY	ADVENTIST CHURCH & PRESCHOOL STORAGE CONTAINER	KIHEI SEVENTH-DAY ADVENTIST CHURCH	NANCY MCMILLAN	THACKERSON	01/31/2014	A W/COND-APPROVED WITH CONDITIONS	2390011490000
SM2-20140004	MCDONALDS OF HAWAII	MCDONALDS OF HAWAII/KIHEI	EXTERIOR RENOVATIONS/REBRANDING/KIHEI	MCDONALDS OF HAWAII	THACKERSON	02/03/2014	A W/COND-APPROVED WITH CONDITIONS	2390080170000
SM2-20140005	TROLLEY STOP	TROLLEY STOP FOR USERS OF KAAHAPALI RESORT SHUTTLE TROLLEY	TROLLEY STOP	CHRIS HART & PARTNERS, INC	THACKERSON	02/03/2014	A W/COND-APPROVED WITH CONDITIONS	2440130050000
SM2-20140006	TURTLE POINT CONDO	INTERIOR RENOVATION OF SINGLE FAMILY CONDO UNIT	TURTLE POINT CONDO RENOVATION	SATISH K GHOLKAR	THACKERSON	02/05/2014	A W/COND-APPROVED WITH CONDITIONS	22102300660020
SM2-20140007	PI RESTAURANT	PI RESTAURANT	INTERIOR ALTERATIONS/LAHAINA	DAVID HANLEY	WADE	02/07/2014	A W/COND-APPROVED WITH CONDITIONS	2450020090000
SM2-20140008	DELUCIA, JOSEPH	DELUCIA, JOSEPH	SWIMMING POOL/KIHEI	JOSEPH DELUCIA	CALLENTINE	02/07/2014	A W/COND-APPROVED WITH CONDITIONS	2390120320000
SM2-20140010	PALM NURSERY BARN	PROPOSED BARN FOR PALM NURSERY LOT 84, OLOWALU MAKAI-HIKINA SUBDIVISION	BARN FOR PALM NURSERY/OLOWALU	OLOWALU ELUA ASSOCIATES LLC	FASI	02/08/2014	A W/COND-APPROVED WITH CONDITIONS	2480030840000
SM2-20140011	NAPILI VILLAGE	NAPILI VILLAGE	RENOVATIONS/LAHAINA	JERRY WILLE	CALLENTINE	02/10/2014	A W/COND-APPROVED WITH CONDITIONS	2430020310000

Grand Total : 8

## APPENDIX A

# PD-Approved SMA Exempt Projects for Maui

Permit Completion Date: 01/29/2014 - 02/11/2014

County of Maui  
Kalana O Maui Building  
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Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20130373	MURPHY, TAE	MAIN DWELLING W/POOL - WAILEA	MARC A TARON	CABAIS	01/29/2014	A-APPROVED	2210270010000
SM5 - 20140031	KLAPPERT, SHERRIE	NEW ELECTRIC SHED/HAIKU	SHERRIE N KLAPPERT		01/29/2014	A-APPROVED	2290070430000
SM5 - 20140032	BOUDREAU, KENNETH	POOL ADDITION/ALTERATION - LAHAINA	ATOM KASPRZYCKI		01/29/2014	A-APPROVED	2420030610000
SM5 - 20140033	KIHANA NURSERY	INSTALLATION OF CLEAN OUT - KIHEI	WAYNE ARAKAKI	AZBILL	01/30/2014	A-APPROVED	2390110170000
SM5 - 20140034	PALTN, SAMUEL	MAIN DWELL ADDITION - LAHAINA	SAMUEL PALTN		01/30/2014	A-APPROVED	2430180160000
SM5 - 20140035	STEVENSON, ERIC	MAIN DWL ADD/ALT - ACC DWELLING/KIHEI	ROBERT ROBINSON		02/10/2014	A-APPROVED	2390320230000
SM5 - 20140036	INSKEEP RESIDENCE	DWELLING ALTERATION/WAILEA	FRED LOESBERG		02/04/2014	A-APPROVED	2210230050018
SM5 - 20140037	AT&T KAAHUMANU	RELOCATE ANTENNAS/KAHULUI	AT&T C/O SMARTLINK, LLC	CALLENTINE	02/05/2014	A-APPROVED	2370020200000
SM5 - 20140038	GIBBS, JOSEPH	NEW FAMILY RESIDENCE/WAILEA	NISHIKAWA ARCHITECTS, INC.	HIGA	02/05/2014	A-APPROVED	2210250230000
SM5 - 20140039	IWADO, JEANNETTE.	RELOCATE MAIN DWELL/ADD ACC DWELL/SPRECK	FRANCIS E SKOWRONSKI		02/05/2014	A-APPROVED	2380010480000
SM5 - 20140040	MAUI MALL	KIOSK DEMO & INSTALL NEW PLANTER/KAHULUI	ANTHONY A RIECKE-GONZALES		02/05/2014	A-APPROVED	2370090040000
SM5 - 20140041	SEA HOUSE RESTAURANT	RESTAURANT ALTERATION/LAHAINA	NAPILI KAI	FASI	02/06/2014	A-APPROVED	2430020280000
SM5 - 20140042	LA WRENCE, DONALD	RENOVATE CARPORT INTO EXTRA ROOM/KIHEI	DONALD KENT LA WRENCE	HIGA	02/07/2014	A-APPROVED	2390340130000
SM5 - 20140043	WATUMULL APEX TSA	INTERIOR REMODELING/OFFICES/KAHULUI	ANTHONY A RIECKE-GONZALES		02/07/2014	A-APPROVED	2380790010000
SM5 - 20140044	HUI ALOHA CHURCH	CHURCH IMPROVEMENTS/KAUPO	NICHOLAS T WAGNER	WADE	02/10/2014	A-APPROVED	2170030080000
SM5 - 20140045	HILBUN ATF CARPORT	HILBUN ATTACHED ATF CARPORT/PAIA	ROBERT E HILBUN	CALLENTINE	02/08/2014	A-APPROVED	2260090240003
SM5 - 20140046	GIBSON, PETER	GIBSON SFR REPAIRS/LAHAINA	PETER GIBSON	CALLENTINE	02/08/2014	A-APPROVED	2460310140000
SM5 - 20140047	LEARNED	S-F HOME REMODEL/LAHAINA	MICHAEL LEARNED	CALLENTINE	02/08/2014	A-APPROVED	2460280390000
SM5 - 20140048	SEASONAL SPACE A201	SEASON SPACE IMPROVEMENTS/LAHAINA	HONOLULU BUILDERS LLC	THACKERSON	02/08/2014	A-APPROVED	2450020090000
SM5 - 20140049	MEDINA, DAVID	CONSTRUCT OUTSIDE STORAGE CLOSET/LAHAINA	DAVID MEDINA	SCOTT	02/08/2014	A-APPROVED	2460280120000

# PD-Approved SMA Exempt Projects for Maui

Permit Completion Date: 01/29/2014 - 02/11/2014



County of Maui  
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Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20140050	LEDESMA, DARCY	NEW DWELLING, RET. WALL & POOL - KIHEI	RICK MCGOVERN	HIGA	02/10/2014	A-APPROVED	2390610090000
SM5 - 20140051	GALLAGHER, LINDA	ATF MAIN DWELLING ADDITION/PAJA	JOHN CASSEL		02/10/2014	A-APPROVED	2260100060000
SM5 - 20140052	BRAD HENLEY	LANAI SHOWER INSTALL/LAHAINA	M BRADFORD HENLEY	SCOTT	02/11/2014	A-APPROVED	2460330220000

Grand Total : 23