

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

AGENDA

DATE: MARCH 11, 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 public hearing item.)

1. MR. DAVID WARD of FRAMPTON & WARD LLC on behalf of OLOWALU ELUA ASSOCIATES, LLC requesting a State Land Use Commission Special Use Permit for Camp Olowalu to conduct commercial camping operations on land located within the State Agricultural District on Honoapiilani Highway at TMK: 4-8-003: 081 (por.), Olowalu, Island of Maui. (SUP2 2013/0022) (P. Fasi)

- a. Public Hearing
- b. Action

D. NEW BUSINESS

1. MR. ALBERT KANNO, Manager of ABC DEVELOPMENT COMPANY, LLC requesting an Environmental Assessment Determination on the Final Environmental Assessment prepared in support of the community plan amendment for the Waikapu Light Industrial Project, a 7-lot light industrial subdivision and related improvements at 109 East Waiko Road, TMK: 3-8-007: 105, Waikapu, Island of Maui. (EA 2013/0003) (P. Fasi) (Draft EA was reviewed at the November 26, 2013 meeting.) (The Final EA was distributed to the Maui Planning Commission at its February 25, 2014 meeting.)

The entity who will decide on the acceptance of the Final Environmental Assessment is the Maui Planning Commission.

The EA trigger is the Community Plan Amendment.

The public hearing on the Community Plan Amendment, Land Use District Boundary

Amendment, and Change in Zoning will be conducted by the Maui Planning Commission after the Chapter 343 process has been completed.

The Commission may accept the Final Environmental Assessment as a Findings of No Significant Impact (FONSI) 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 and February 25, 2014 meetings. (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 LLC, 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)

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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 Decision 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 25, 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 25, 2014 meeting agenda items

H. NEXT REGULAR MEETING DATE: MARCH 25, 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 25, 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.

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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. (S:\all\carolyn\031114.age)



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

PD-Approved SMA Minor Projects for Maui

Permit Completion Date: 02/11/2014 - 02/26/2014

02/26/2014

Permit #	Project	Description	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM2 - 20140012	BUSINESS BUILDING RE	BUSINESS BUILDING RENOVATION	ALTERATIONS AND ADDITIONS/PAIA	FRAMPTON & WARD, LLC	WADE	02/12/2014	A W/COND-APPROVED WITH CONDITIONS	2260040140000
SM2 - 20140013	LAHAINA SPORTS BAR	LAHAINA SPORTS BAR RESTROOM RELOCATION	UNITS 1 & 2 ALTERATION/LAHAINA	KIRK W HUNT	WADE	02/13/2014	A W/COND-APPROVED WITH CONDITIONS	2450010180000
SM2 - 20140014	BA-LE WAREHOUSE	BA-LE WAREHOUSE/LE INVESTMENTS, LLC	RECONSTRUCT PARKING AREA/KAHULUI	WAYNE ARAKAKI ENGINEER LLC	THACKERSON	02/13/2014	A W/COND-APPROVED WITH CONDITIONS	2370050120000
SM2 - 20140015	KIHEI MARKET LLC	KIHEI MARKET, LLC/ CHONG, INC.	KO TRAILER RELOCATION/KIHEI	YONG SU KO	THACKERSON	02/22/2014	A W/COND-APPROVED WITH CONDITIONS	2390030020000
SM2 - 20140016	WHALEERS VILLAGE	WHALEERS VILLAGE FINE SHOPS & RESTAURANTS	ADA LIFT FOR SPACE L-01 & L-02/LAHAINA	ROBERT HARTIMAN	THACKERSON	02/22/2014	A W/COND-APPROVED WITH CONDITIONS	2440080010000

Grand Total : 5

PD-Approved SMA Exempt Projects for Maui

Permit Completion Date: 02/11/2014 - 02/26/2014



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

Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20140052	BRAD HENLEY	LANAI SHOWER INSTALL/LAHAINA	M BRADFORD HENLEY	SCOTT	02/11/2014	A-APPROVED	2460330220000
SM5 - 20140053	STINGER, CHRIS	MAIN DWELLING/GARAGE - WAILEA	FREDERICK W LOESBERG		02/18/2014	A-APPROVED	2210260080000
SM5 - 20140054	KAPALUA VILLA 22P	ATF APARTMENT ADDITION - TRELIS/KAPALUA	A TOM KAPRZYCKI	AZBILL	02/18/2014	A-APPROVED	2420010280119
SM5 - 20140055	ROBERTS, MACK REVOC	DWELLING ADDITION/ALTERATION/KIHEI	RICKY J MCGOVERN	HIGA	02/18/2014	A-APPROVED	2210210110000
SM5 - 20140056	MANN,BOBBY L, BRENDA	DWELLING ADDITION-ATF/KIHEI	MARTIN COOPER	HIGA	02/20/2014	A-APPROVED	2390400680000
SM5 - 20140057	HARRIS, MARK & JOAN	ADDENDUM B2013-0901/LANAI ADDITION/PAIA	ROBERT K WILTZ		02/24/2014	A-APPROVED	2250130620000
SM5 - 20140058	HANSEN, JEFFRY	SWIMMING POOL/SPA KIHEI	JAMES A MCCALL	HIGA	02/24/2014	A-APPROVED	2210250220000
SM5 - 20140059	FAIRWAY SHOPS UNIT E	INTERIOR ALTERATION/LAHAINA	GWEN MATSUDA	AZBILL	02/25/2014	A-APPROVED	2440080170000

Grand Total : 8