

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

AGENDA

DATE: APRIL 8, 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: John "Keone" Ball, Sandra Duvauchelle, Jack Freitas, Wayne Hedani, Richard Higashi, Ivan Lay 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. INTRODUCTION OF NEW MEMBER - Richard Higashi
- D. ELECTION OF OFFICERS FOR 2014-2015 COMMISSION YEAR
  - 1. Chairperson
  - 2. Vice-Chairperson
- E. COMMUNICATIONS
  - 1. Notice of Motion to Rescind or Motion to Amend the State Land Use Commission Special Use Permit denial action by the Maui Planning Commission on March 25, 2014, to operate a classroom and hold Spirit of Aloha Temple church services with church related events such as weddings in the State and County Agricultural Zoning Districts on approximately 11 acres of land located at 800 Haumana Road, TMK: 2-8-004: 032, Haiku, Island of Maui. (SUP2 2012/0032) (K. Wollenhaupt)

An Executive Session may be called in order for the Commission to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities.

The Commission may consider a Motion to Rescind or a Motion to Amend the above-referenced State Land Use Commission Special Use Permit denial action by the Maui Planning Commission on March 25, 2014. If either motion is approved by majority vote, the Commission may take action related to the State Land Use Commission Special Use Permit application.

RECEIVED  
2014 APR -1 AM 10: 58  
OFFICE OF THE  
COUNTY CLERK

F. PUBLIC HEARING (Action to be taken after public hearing item.) (To begin at 1:00 p.m. or soon thereafter.)

1. MR. WILLIAM SPENCE, Planning Director, transmitting Council Resolution No. 13-139 referring to the Maui Planning Commission a proposed bill to amend Chapter 19.52, Maui County Code, relating to protection of trees within Historic Districts 1, 2, and 3. (J. Alueta)

- a. Public Hearing
- b. Action

2. CMBY 2011 INVESTMENT, LLC requesting a Community Plan Amendment from Agriculture to Heavy Industrial and a Change of Zoning from County Agriculture District to M-3 Heavy Industrial District for the Puunene Heavy Industrial Subdivision located on 88 acres of land approximately one (1) mile southeast of the intersection of Mokulele Highway, Mehameha Loop, and Kamaaina Road at TMK: 3-8-008: 019, Puunene, Island of Maui. (CPA 2012/0002) (CIZ 2012/0005) (K. Wollenhaupt)

- a. Public Hearing
- b. Action

3. MS. ANN FRICKER requesting a Short-Term Rental Home Permit in order to operate the Kuau Point Short-Term Rental Home located in the R-1 Residential District at 115 Aleiki Place, TMK: 2-6-012: 073, Paia, Island of Maui. (STPH T2013/0021) (G. Flammer)

This application is being reviewed by the Maui Planning Commission because there is at least one permitted Short-Term Rental Home operation located within 500 ft. of the subject property.

- a. Public Hearing
- b. Action

G. COMMUNICATIONS

1. MAUI LANI VILLAGE CENTER, INC., requesting a time extension and amendment to Condition No. 32 of a Project District Phase II approval for the construction of the Maui Lani Village Mixed Use (VMX) project located on approximately 56.9 acres of land along Maui Lani Parkway and Kuikahi Drive, TMK: 3-8-097: 002 thru 081, Kahului, Island of Maui. (PH2 2007/0002) (D. Dias)

Condition No. 32 reads: "That as represented by the applicant, and agreed to by the Department of Public Works (DPW) Maui Lani will agree to expedite the design and construction of the initial two lanes of Maui Lani Parkway (MLP) between Kuikahi Drive and Onehee Avenue together with the extension of Onehee Avenue to intersect with the MLP. Maui Lani will complete the MLP improvements by December 2013 subject to approval by the SHPD and the Burial Council. Said

completion shall be a condition of the Phase II approval but shall not be a condition of occupancy or subdivision approval for the VMX District. (Recommended by Department of Public Works (DPW)).

The Commission may take action on this request.

H. ACCEPTANCE OF THE ACTION MINUTES OF THE FEBRUARY 25, 2014, MARCH 11, 2014 AND MARCH 25, 2014 MEETINGS AND REGULAR MINUTES OF THE NOVEMBER 26, 2013 MEETING

I. DIRECTOR'S REPORT

1. 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. KAK II, LLC requesting a one (1) year time extension on the Special Management Area (SMA) Use Permit condition to complete construction of the Ke Alii Kai II (aka Moana Estates) Subdivision and related improvements at TMK: 3-9-019: 004, Kihei, Island of Maui. (C. Thackerson)

The Applicant's consultant states that the Applicant needs to complete the construction of the remaining six (6) homes.

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. WESTIN MAUI RESORT & SPA requesting a two (2) year time extension on the Special Management Area (SMA) Use Permit condition to initiate construction of the renovations to its lobby and porte cochere at TMK: 4-4-008: 019, Kaanapali, Lahaina, Island of Maui. (SM1 2008/0020) (K. Scott)

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.

- c. WAILEA MF-7 LLC requesting a two (2) year time extension on the Special Management Area (SMA) Use Permit condition to initiate construction of the Wailea MF-7 Multi-Family Residential Project at Kai Malu Drive at TMK: 2-1-008: 116, Wailea, Kihei, Island of Maui. (SM1 2006/0038) (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.

2. Maui Planning Commission requesting that the Hana Advisory Committee to the Maui Planning Commission provide its comments on the following matters prior to review by the Maui Planning Commission:

- a. Mr. William Spence, Planning Director transmitting the Planning Department's Report with comments, recommendations, and proposed amendments to the planning commissions for review and transmittal to the Council on Ordinance No. 3941 relating to Short-Term Rental Homes pursuant to Section 16 of Ordinance No. 3941. (G. Flammer)

The Commission may take action on this request.

- b. Mr. William Spence, Planning Director transmitting the Planning Department's Report with comments, recommendations, and proposed amendments to the planning commissions for review and transmittal to the Council relating to Chapter 19.64 of the Maui County Code relating to Bed and Breakfast Homes. (G. Flammer)

The Commission may take action on this request.

3. SMA Minor Permit Report (Appendix A)
4. SMA Exemptions Report (Appendix B)
5. Discussion of Future Maui Planning Commission Agendas
  - a. April 22, 2014 meeting agenda items

J. NEXT REGULAR MEETING DATE: APRIL 22, 2014

K. 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 on April 8, 2014 was on March 24, 2014.

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON EACH AGENDA ITEM SUBJECT TO THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES AND THE COM MISSION'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. (S:\all\carolyn\040814.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: 03/12/2014 - 03/27/2014

03/27/2014

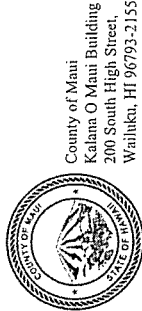
Permit #	Project	Description	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM2 - 20120017	DALZELL, RICK ETAL	DALZELL, RICK & KATHIE	APT ALT: BLDG 3-C, UNIT 301 & 303/WAILEA	SATISH K GHOLKAR	THACKERSON	03/20/2014	A W/COND-APPROVED WITH CONDITIONS	2210230060016 2210230060020
SM2 - 20140025	MCKUIN, BRYAN	MCKUIN, BRYAN	APARTMENT ALTERATION/ADDITION	MCKUIN, BRYAN M	SCOTT	03/21/2014	-	2460300140000
SM2 - 20140027	MAXFIELD CONDO #1303	REPLACE SLIDING GLASS DOORS, TILE, NEW SLAB	MAXFIELD CONDO RENOVATIONS, WAILEA	SATISH K. GHOLKAR	SCOTT	03/21/2014	A W/COND-APPROVED WITH CONDITIONS	2210230050053

Grand Total : 3

## APPENDIX A

# PD-Approved SMA Exempt Projects for Maui

Permit Completion Date: 03/12/2014 - 03/27/2014



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

Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20140077	HANA HWY UTILITY IMP	UTILITY IMPROVEMENTS PAIA TOWN/PAIA	LINDA TAYLOR ENGINEERING, INC	CABAIS	03/14/2014	A-APPROVED	2260020020000 2260020030000 2260020040000 2260040140000 2260050050000
SM5 - 20140080	KULAKANE CONDO	CONDO REPAIRS/LAHAINA	KULAKANE AOA	SCOTT	03/12/2014	A-APPROVED	2430060110000
SM5 - 20140081	EAST MAUI TARO FESTI	ANNUAL EAST MAUI TARO FESTIVAL	JUDY KINSER		03/12/2014	A-APPROVED	2140040210000
SM5 - 20140082	WESTIN MAUI HOTEL	OFFICE / WELCOME CENTER / LAHAINA	JEFF DELA CRUZ	CALLENTINE	03/13/2014	A-APPROVED	2440080190000
SM5 - 20140083	KAUFMAN RESIDENCE	KAUFMAN RESIDENCE INTERIOR RENOVATIONS/K	MARIE KIMMEY	AZBILL	03/13/2014	A-APPROVED	2390090160000
SM5 - 20140084	MAREK, WAYNE	MAIN DWELLING ADD/ALTER (ATF) - KIHEI	WAYNE MAREK	SCOTT	03/13/2014	A-APPROVED	2220250510000
SM5 - 20140085	RITZ CARLTON	HOTEL - WINDOW INSTALLATION/KAPALUA	NICHOLAS T WAGNER		03/14/2014	A-APPROVED	2420040210000
SM5 - 20140086	WAIAKOA MAKAI HOMEST	SUBDIVISON IMPROVE FIRE HYDRANT/KIHEI	WAYNE ARAKAKI	HIGA	03/14/2014	A-APPROVED	2390150080000
SM5 - 20140087	HERTZ, RYAN & DESIRE	MAIN DWELLING/KIHEI	WILLIAM H D KING III		03/17/2014	A-APPROVED	2390610110000
SM5 - 20140088	FABIANI ENTERPRISES	RESTAURANT RENOVATION/KIHEI	LIPOA LAND LLC	AZBILL	03/17/2014	A-APPROVED	2390022160000
SM5 - 20140089	SPRINT @ KAAHUMANU	SHOP/CTR: ROOFTOP TELECOM FACILITY - QKC	CASCADIA PM		03/17/2014	A-APPROVED	2370020200000
SM5 - 20140090	SPEE, DAVID	INSTALL WATER WELL/PAIA	ALPHA INC.	AZBILL	03/18/2014	A-APPROVED	2250050630000
SM5 - 20140091	MAUI TROPIX	INT. NON-STRUCTURAL RENOVATION/KIHEI	MAUI TROPIX		03/19/2014	A-APPROVED	2220240210000
SM5 - 20140092	PAPAKEA RESORT	PAPAKEA RESORT CONDOS/LAHAINA	FRANK RICE	SCOTT	03/22/2014	A-APPROVED	2440010550000
SM5 - 20140094	TRESOR RARE	TRESOR RARE RETAIL STORE	CRAIG SHANER	BUIKA	03/24/2014	A-APPROVED	2460010060000

**Grand Total : 15**