

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

OFFICE OF THE  
COUNTY CLERK

2014 APR 14 AM 9:42

RECEIVED

## AGENDA

DATE: APRIL 22, 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), John "Keone" Ball (Vice-Chair), Sandra Duvauchelle, Jack Freitas, Wayne Hedani, Richard Higashi, 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. COMMUNICATIONS (previously on the April 8, 2014 agenda) (Commissioners: Please bring your materials with you.)

- 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.

- D. DIRECTOR'S REPORT (previously on the April 8, 2014 agenda. Commissioners: Please bring your materials with you.)
  - 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.

E. PUBLIC HEARINGS (Action to be taken after each public hearing.)

1. MR. DAVID GOMES of HAWAIIAN CEMENT requesting a State Land Use Commission Special Use Permit and a Conditional Permit to continue the operation of the Hawaiian Cement Honokowai Concrete Batching Plant on approximately 1.0 acre of land in the State Agricultural District at TMK: 4-4-002: 039 (por.), Honokowai, Lahaina, Island of Maui. (SUP2 2013/0021) (CP 2013/0004) (L. Callentine)
  - a. Public Hearing
  - b. Action
2. MR. ROGER S. CASEY and MS. LOUISE EDMONDS requesting a State Land Use Commission Special Use Permit in order to operate the Hale Polai Short-Term Rental, a three (3) bedroom short-term rental home in the State Agricultural District at 75 Piialii Street, TMK: 2-7-036: 005, Haiku, Island of Maui. (SUP2 2013/0007) (L. Callentine)

- a. Public Hearing
- b. Action

F. SPECIAL MANAGEMENT AREA APPEALS (To begin at 1:00 p.m. or soon thereafter.)

1. ISAAC HALL, attorney for JAMES BENDON, ROBERT and MARGARET KAPLAN, CYRUS MONROE, and PETER SIRACUSA submitting an appeal dated December 19, 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 2013/0012) (SM5 2013/0350) (SMX 2013/0324) (P. Fasi)

The Commission and the public were notified of this appeal through the January 14, 2014 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 the subject appeal are:

- a. Appellants - James Bendon, Robert and Margaret Kaplan, Cyrus Monroe, and Peter Siracusa
- b. Applicant - State Department of Transportation, Airports Division
- c. Appellee - Department of Planning

No timely Petitions to Intervene were filed on the subject appeal.

The Commission may take action on the following matters:

- a. Appointment of the Hearings Body/ Hearings Officer.
- b. Appointment of a Mediator if the parties wish to enter into mediation.
- c. 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.
- d. Determination of first prehearing conference date and time
- e. Selection of date(s) for contested case hearing if the Commission is the hearings body.

G. NEW BUSINESS

1. KAHANA SUNSET AOA requesting an Environmental Assessment (EA) Determination of the Final Environmental Assessment (FEA) prepared in support of the Community Plan Amendment and Shoreline Setback Variance for the proposed Kahana Sunset shoreline and site improvements located at 4909 Lower Honoapiilani Road. TMK: 4-3-003: 015, Kahana, Lahaina, Island of Maui. (EA 2012/0002) (CPA 2012/0003) (CIZ 2012/0007) (SM1 2012/0003) (SSV 2012/0002) (J. Buika)

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

The EA triggers are the Community Plan Amendment and the Shoreline Setback Variance.

The public hearing on the Community Plan Amendment, Change in Zoning, Special Management Area Use Permit, and Shoreline Setback Variance 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.

H. ORIENTATION WORKSHOP NO. 1

1. Opening Remarks by the Planning Director
2. Coastal Zone Management Introduction - Jim Buika, Coastal Resources Planner
3. Sea Level Rise and the Future of Our Shorelines - Tara Owens, Sea Grant agent
4. Special Management Area (SMA) Rules - Jim Buika, Coastal Resources Planner
5. Shoreline Rules - Jim Buika, Coastal Resources Planner

I. ACCEPTANCE OF THE ACTION MINUTES OF THE MARCH 11, 2014 AND MARCH 25, 2014 MEETINGS AND REGULAR MINUTES OF THE NOVEMBER 26, 2013 MEETING (Previously circulated for the April 8, 2014 agenda. Commissioners: Please bring your materials with you.) ACCEPTANCE OF THE ACTION MINUTES OF THE APRIL 8, 2014 MEETING.

J. 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:

MR. JOSEPH E. KENNY, Manager of the MATTHEW G. NORTON COMPANY and MGN HAWAII LAND INVESTMENTS, LLC requesting a two (2)-year Special Management Area Use Permit time extension on the period to complete construction of the Keawakapu Beach Lots/ Clapp Residence at 3180 and 3190 South Kihei Road, TMK: 2-1-010: 011 and 031, Kihei, Island of Maui. (SM1 2008/0002) (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.

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 **circulated with April 8, 2014 agenda**
- 4. SMA Minor Permit Report (Appendix A)
- 5. SMA Exemption Report **circulated with April 8, 2014 agenda**
- 6. SMA Exemption Report (Appendix B)
- 7. Discussion of Future Maui Planning Commission Agendas
  - a. May 13, 2014 meeting agenda items

K. NEXT REGULAR MEETING DATE: MAY 13, 2014

L. 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 22, 2014 was on April 7, 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\042214.age)



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

## PD-Approved SMA Minor Projects for Maui

04/09/2014

Permit Completion Date: 03/27/2014 - 04/09/2014

Permit #	Project	Description	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM2 - 20140028	BUDGET RENTAL CAR	BUDGET RENT A CAR DEFUELING TANK	BUDGET RENT A CAR	CLARENCE A. VERNON	THACKERSON	04/03/2014	A W/COND-APPROVED WITH CONDITIONS	2380011570000
SM2 - 20140030	WEISEL RESIDENCE	WEISEL RESIDENCE RENOVATION	WEISEL RESIDENCE RENOVATION/KIHEI	SATISH K. GHOLKAR	SCOTT	04/07/2014	A W/COND-APPROVED WITH CONDITIONS	2210100230000

Grand Total : 2

# PD-Approved SMA Exempt Projects for Maui

Permit Completion Date: 03/27/2014 - 04/09/2014



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

Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20140096	POHAILANI SEAWALL	EMERGENCY SEAWALL REPAIR/LAHAINA	POHAILANI AOAO	BUIKA	03/27/2014	A-APPROVED	2430050080000
SM5 - 20140097	ESSON-CROSBY	SF REMODEL/LAHAINA	CATHERINE ESSON/DAVID CROSBY	SCOTT	03/27/2014	A-APPROVED	2460330120000
SM5 - 20140098	TRAVEL TRADERS	INT. TENANT IMPROVE/GIFT SHOP - LAHAINA	RENEE GALLARDE	SCOTT	03/28/2014	A-APPROVED	2440130010000
SM5 - 20140100	ADLAWAN, DEL & SHARO	APARTMENT ALTERATION/WAILEA	RICK MCGOVERN	AZBILL	04/01/2014	A-APPROVED	2210081040142
SM5 - 20140101	GEIPEL, PETER	APT # F 204 RENOVATION/KIHEI	RICKY J MCGOVERN	SCOTT	04/03/2014	A-APPROVED	2210070950054
SM5 - 20140102	VANS	INTERIOR RENOVATIONS/KAHULUI	QKC MAUI OWNER, LLC		04/03/2014	A-APPROVED	2370020200000 2370020270000
SM5 - 20140103	DIAMOND WIRELESS	TENANT IMPROV. SPACE 1B05/QKCTR. KAHULUI	PETER S NIESS		04/04/2014	A-APPROVED	2370020200000
SM5 - 20140104	TING, SHELLEY	MAIN DWELLING ALTERATION/KIHEI	WILLIAM C MCTHEWSON	HIGA	04/04/2014	A-APPROVED	2390500080000
SM5 - 20140105	SURACE, KEVIN	APARTMENT ALTERATION/KAANAPALI	JAMES C. PENKA	SCOTT	04/04/2014	A-APPROVED	2440080020087
SM5 - 20140106	IVES	IVES WINDOW REPLACEMENT/LAHAINA	KEN IVES	SCOTT	04/06/2014	A-APPROVED	2460290280000
SM5 - 20140107	COM BUS STOPS	INSTALL BUS STOP IMPROVEMENTS/NAPILI	COM DEPT OF TRANSPORTATION	SCOTT	04/06/2014	A-APPROVED	2430020610000 2430160250000
SM5 - 20140108	WILLIAMS, DEBBIE	APARTMENT # 508 RENOVATION/KIHEI	JOSEPH H HALEY	SCOTT	04/07/2014	A-APPROVED	2390010850109
SM5 - 20140109	MAKENA SURF F307 LLC	APT ALTERATIONS: UNIT F-307/MAKENA	DENNIS RUSSELL	SCOTT	04/07/2014	A-APPROVED	2210070950069
SM5 - 20140110	AZEKA I	INSTALL ON-SITE MANHOLE/KIHEI	WAYNE ARAKAKI ENGINEER LLC	AZBILL	04/08/2014	A-APPROVED	2390080280000

Grand Total : 14