

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

RECEIVED

2014 JUN -3 AM 10: 36

AGENDA

OFFICE OF THE  
COUNTY CLERK

DATE: JUNE 10, 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. PUBLIC HEARINGS (Action to be taken after each public hearing.)

1. MR. WILLIAM SPENCE, Planning Director, transmitting Council Resolution No. 14-15 Referring to the Lanai, Maui, and Molokai Planning Commissions a proposed bill to amend Sections 19.12.020 and 19.37.010, Maui County Code, pertaining to Transient Vacation Rentals in the Apartment District. (J. Alueta)

- a. Public Hearing
- b. Action

2. MS. PAULA DAIAN requesting a Short-Term Rental Home Permit in order to operate the Marlin House Short-Term Rental Home located in the R-1 Residential District at 165 Maoli Place, TMK: 2-6-065: 061, Paia, Island of Maui. (STPH T2013/0018) (L. Callentine)

- a. Public Hearing
- b. Action

D. NEW BUSINESS

1. MS. CHRISTINE CONLON-KEMP, Director of the MILOWAI MAALAEA AOA requesting an Environmental Assessment determination on the Final Environmental Assessment (DEA) prepared in support of the Shoreline Setback Variance application for the proposed seawall repairs at the Milowai Maalaea project, 50 Hauoli Street, TMK: 3-8-014: 022, Maalaea, Island of Maui. (EA 2012/0006) (SM1 2012/0008) (SSV 2012/0004) (K. Scott) (Maui Planning Commission previously reviewed and commented on the Draft Environmental Assessment at its May 28, 2013 meeting.)

The EA trigger is the Shoreline Setback Variance.

The accepting authority of the Final Environmental Assessment is the Maui Planning Commission.

The public hearing on the Special Management Area Use Permit and the Shoreline Setback Variance will be scheduled after the Chapter 343, HRS process has been completed.

The Commission may accept the Final Environmental Assessment (FEA) as a Findings of No Significant Impact (FONSI) or take some other action.

#### E. COMMUNICATIONS

1. AMERON INTERNATIONAL CORPORATION dba AMERON HAWAII requesting a transfer of the State Land Use Commission Special Use Permit and the County Conditional Permit from AMERON INTERNATIONAL CORPORATION to POHAKU PAA, LLC for the Kihei Concrete Batching Plant located at TMK: 3-8-004: 002 (por.), Kihei, Island of Maui. (SUP2 2005/0001) (CP 2005/0001) (P. Fasi)

The Commission may take action on this request.

2. AMERON INTERNATIONAL CORPORATION dba AMERON HAWAII requesting a transfer of the State Land Use Commission Special Use Permit and the County Conditional Permit from AMERON INTERNATIONAL CORPORATION to POHAKU PAA, LLC for the Honokowai Concrete Batching Plant at TMK: 4-4-001: 108 (por.) and 4-4-003: 001 (por.), Honokowai, Lahaina, Island of Maui. (SUP2 2011/0002) (CP 2011/0003) (P. Fasi)

The Commission may take action on this request.

3. AMERON INTERNATIONAL CORPORATION dba AMERON HAWAII requesting a transfer of the State Land Use Commission Special Use Permit, the County Conditional Permit, and the County Special Use Permit from AMERON INTERNATIONAL CORPORATION to POHAKU PAA, LLC for the Puunene Quarry at TMK: 3-8-001: 001 (por.), 3-8-003: 004 (por.), 3-8-003: 020 (por.), and 2-8-003:021 (por.), Puunene, Island of Maui. (SP77-271) (CP-2008/0005) (CUP2001/0001) (P. Fasi)

The Commission may take action on this request.

4. MR. SCOTT CRAWFORD, Chair of the HANA ADVISORY COMMITTEE TO THE MAUI PLANNING COMMISSION transmitting the Committee's recommendation on the request by MS. ANYA PAIVIKKI RUTIZ and RICHARD RUTIZ for a State Land Use Commission Special Use Permit in order to operate Anya's House Bed and Breakfast, a one (1) bedroom bed and breakfast located in the State Agricultural

District at 41049 Hana Highway, TMK: 1-6-005: 026, Hana, Island of Maui.  
(SUP2 2013/0024) (G. Flammer)

The Committee may take action on this request.

5. MR. SCOTT CRAWFORD, Chair of the HANA ADVISORY COMMITTEE TO THE MAUI PLANNING COMMISSION transmitting the Committee's recommendation on the request by GALE and MICHELE NOTESTONE for a Bed and Breakfast Home Permit in order to operate the Hana by the Bay Bed and Breakfast, a three (3) bedroom bed and breakfast home (B&B) located at 4888 Uakea Road, TMK: 1-4-014: 005, Hana, Island of Maui. (BBHA T2013/0002) (G. Flammer)

This matter requires Maui Planning Commission review because there is a permitted Bed and Breakfast operation within 500 ft. of the subject property.

The Commission may take action on this request.

#### F. UNFINISHED BUSINESS

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 request administratively:

STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION (DOT-A) requesting a six (6)-month time extension on the Special Management Area (SMA) Use Permit condition to initiate construction of the Kahului Airport Parking Expansion and Airport Access Road at TMK: 3-8-001: 019, Kahului, Island of Maui. (SM1 2008/0022) (P. Fasi) (deferred at the January 28, 2014 meeting)

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. 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.

Public hearing was conducted and the matter was deferred at the April 8, 2014 Maui Planning Commission meeting.

#### G. WORKSHOP NO. 3 conducted by the Office of the Corporation Counsel

1. Contested Cases
2. Legal training on concepts of nexus and proportionality and their application to the permit process

H. ACCEPTANCE OF THE ACTION MINUTES OF THE MAY 27, 2014 MEETING

I. DIRECTOR'S REPORT

1. Pursuant to the provisions of Section 19.32.020.C of the Maui County Code, Planned Development, the Planning Director notifying the Commission of the Planning Director's review of the step III unified site and building program on the following application:

MR. EDWARD T. DEWEY of THE SHOPS AT WAILEA, L.P. requesting Planned Development Step III Approval 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. (PD3 2014/0001) (D. Dias)

The Commission may waive its review and allow the planning director to take final action on the Planned Development Step III application or review and take final action on the Planned Development Step III application.

2. SMA Minor Permit Report (Appendix A)
3. SMA Exemption Report (Appendix B)
4. Discussion of Future Maui Planning Commission Agendas
  - a. June 24, 2014 meeting agenda items
5. June 17, 2014 at 9:30 a.m. - Site Inspection of the following application (please meet at the site.)

STANFORD CARR DEVELOPMENT, LLC on behalf of the HARRY and JEANETTE WEINBERG FOUNDATION, INC. requesting a Special Management Area Use Permit for the development of the proposed Kahoma Village 201-H Project and related improvements located on approximately 21.6 acres on the northeast corner of Front Street and Kenui Street at TMK: 4-5-008: 001 (por.), Lahaina, Island of Maui. (SM1 2012/0007) (D. Dias)

The proposed Project will provide a total of 203 residential units of which 101 will be single-family dwellings and 102 will be multi-family units. The 102 multi-family units shall be residential workforce housing units. Park space is also contemplated within the project.

6. June 26, 2014 contested case hearing at 9:00a.m. on the following appeal:

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) (Matter was previously discussed at the April 22, 2014 Maui Planning Commission meeting)

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

J NEXT REGULAR MEETING DATE: JUNE 24, 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 June 10, 2014 was on May 27, 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. (S:\all\carolyn\061014).



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

## PD-Approved SMA Minor Projects for Maui

Permit Completion Date: 05/14/2014 - 05/28/2014

05/28/2014

Permit #	Project	Description	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM2 - 20140048	KINNEY, DAVID	KINNEY, DAVID	SECOND FARM DWELLING/POOL/DECK	PETER NIESS	CALLENTINE	05/14/2014	A W/COND-APPROVED WITH CONDITIONS	2290020520000
SM2 - 20140053	TIM NELSON	TIM NELSON	BUILDING OF NEW HOME/LAHAINA	TIM NELSON		05/15/2014	A W/COND-APPROVED WITH CONDITIONS	24501140600000
SM2 - 20140054	MAUI FILM FESTIVAL A	MAUI FILM FESTIVAL AT THE GRAND WAILEA	2014 MAUI FILM FESTIVAL TENTS/WAILEA	MAUI FILM FESTIVAL	THACKERSON	05/16/2014	A W/COND-APPROVED WITH CONDITIONS	2210081090000
SM2 - 20140055	PUKA LANI KAI, LLC	PUKA LANI KAI, LLC	DWELLING ADDITION/REPAIRS - PAIA	PUKA LANI KAI LLC	SCOTT	05/19/2014	A W/COND-APPROVED WITH CONDITIONS	2380020260002
SM2 - 20140057	WAILEA MF-11	WAILEA MF-11	SINGLE-FAMILY LOT CONSOLIDATION/WAILEA	CHRIS HART & PARTNERS	DIAS	05/22/2014	A W/COND-APPROVED WITH CONDITIONS	2210280010000 2210280020000 2210280030000 2210280040000 2210280050000 2210280060000 2210280070000 2210280080000 2210280090000 2210280100000 2210280110000 2210280120000
SM2 - 20140058	YAP, HARRY	YAP, HARRY	DEMO DWELL BUILT IN 1932/REBUILD - LAHAJ	ATOM KAPRRZYCKI	WADE	05/22/2014	A W/COND-APPROVED WITH CONDITIONS	2460080320000
SM2 - 20140059	SKECHERS	SKECHERS, THE OUTLETS OF MAUI	SKECHERS	HONOLULU BUILDERS, LLC	THACKERSON	05/23/2014	A W/COND-APPROVED WITH CONDITIONS	2450020090000

Grand Total : 7

# PD-Approved SMA Exempt Projects for Maui

Permit Completion Date: 05/14/2014 - 05/28/2014



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 - 20140154	DIENER, ROBERT	NEW DWELLING/GARAGE - HAIKU	ROBERT DIENER	SCOTT	05/14/2014	A-APPROVED	2270360330000
SM5 - 20140157	DODSON, MATTHEW	UNIT/102B - CONSTRUCT DENTAL OFF/KIHEI	DODSON, MATTHEW	CABAIS	05/23/2014	A-APPROVED	2390020830000
SM5 - 20140158	MAUI BEACHFRONT TWO	DEMO DWELLING/SHED BUILT 1948/LAHAINA	EMPIRE USA		05/14/2014	A-APPROVED	2440010290000
SM5 - 20140159	JUAN, FERNANDO & EST	1ST DWELLING W/CARPORT WAILUKU	FERNANDO & ESTER JUAN	SCOTT	05/14/2014	A-APPROVED	2340280270000
SM5 - 20140160	HONOLULU COOKIE STOR	UNIT B 27 / RETAIL RENOVATION/KIHEI	DKKY ARCHITECTURE STUDIO, INC	AZBILL	05/14/2014	A-APPROVED	2210080740000
SM5 - 20140161	KIHEI ASSEMBLY OF GO	NEW TRELIS/KIHEI	WAYNE FUJIMOTO		05/19/2014	A-APPROVED	2390390470000
SM5 - 20140162	NEWELL FAMILY TRUST	GUARDRAIL REPLACEMENT/WAILEA	PAUL DAVALLE	AZBILL	05/19/2014	A-APPROVED	2210230040107
SM5 - 20140163	BOSS FROG'S	RE-ROOF / LAHAINA	PHILLIP & MARY LYNN KASPER	WADE	05/20/2014	A-APPROVED	2460090260000
SM5 - 20140165	ALEXANDER RENOVATION	ALEXANDER RENOVATION/LAHAINA	MARIE KIMMEY	SCOTT	05/23/2014	A-APPROVED	2440010420001
SM5 - 20140166	GARNAS WALL	GARNAS WALL	DONALD M. GARNAS	CABAIS	05/23/2014	A-APPROVED	2390600410000

Grand Total : 10