

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 23, 2016
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 (Chair), Max Tsai (Vice-Chair), Sandra Duvauchelle, Wayne Hedani, Richard Higashi Larry Hudson, Ivan Lay, Jason Medeiros, Keaka Robinson

- 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.
- C. PUBLIC HEARING (Action to be taken after public hearing.)
 - 1. VICTORY DEVELOPMENT requesting a Community Plan Amendment from Multi-Family to Hotel and a Special Management Area Use Permit for the Nani Loa Condominium Hotel project, a 39-unit hotel condominium project and related improvements on approximately 1.438 acres of land at TMK: 3-9-020: 032, Kihei, Island of Maui. (CPA 2015/0002) (SM1 2015/0004) (P. Fasi)
 - 2. MRS. HELEN LU'UWAI requesting a time extension on the Conditional Permit to continue to operate the Lu'uwai Transient Vacation Rental (TVR) and hold Special Events at 5100 Makena Road, TMK 2-1-007: 088, Makena, Island of Maui. (CP 2006/0007) (G. Flammer)
 - 3. DANIEL L. And JUDITH Y. AUCLAIR requesting a Conditional Permit in order to operate the Auclair Residence Transient Vacation Rental at 107 Pulelehua Street, Pineapple Hill Phase 2, TMK: 4-2-007: 020, Kapalua, Island of Maui. (CP 2015/0020) (G. Flammer)
 - 4. MS. JULIE STEINER, Trustee of STEINER FAMILY TRUST 2010 requesting a Conditional Permit in order to operate the Steiner Residence Transient Vacation Rental at 100 Pulelehua Street, Pineapple Hill Phase 2, TMK: 4-2-007: 009, Kapalua, Island of Maui. (CP 2015/0006) (K. Wollenhaupt)

OFFICE OF THE
COUNTY CLERK

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D. COMMUNICATIONS

1. MR. TOM PIERCE and MR. PETER N. MARTIN (of counsel), attorneys for the ASSOCIATION OF APARTMENT OWNERS OF KIHEI KAI-NANI, PHASE ONE, INC., submitting a Petition to Intervene and Request for Stay of Contested Case Proceeding dated February 9, 2016 on the applications by VICTORY DEVELOPMENT for a Community Plan Amendment from Multi-Family to Hotel and a Special Management Area Use Permit for the Nani Loa Condominium Hotel project, a 39-unit hotel condominium project and related improvements on approximately 1.438 acres of land at TMK: 3-9-020: 032, Kihei, Island of Maui. (CPA 2015/0002) (SM1 2015/0004) (P. Fasi)

The Commission may take action on this request.

E. UNFINISHED BUSINESS

1. MR. TOM CROLY on behalf of MR. and MRS. TERRY EPSTEIN requesting a State Land Use Commission Special Use Permit and a Short-Term Rental Home Permit in order to operate the Shambala Short-Term Rental Home, a six (6)-bedroom short-term rental home in the State Agricultural District at 120 Kaimanu Place, TMK: 2-1-019: 100, Wailea, Kihei, Island of Maui. (SUP2 2012/0030) (STKM T2012/0012) (D. Dias)

The Short-Term Home Rental Home Permit application is being brought to the Maui Planning Commission because the neighbor protest threshold has been met.

The first public hearing was conducted on October 8, 2013.

The matter was remanded back to the Maui Planning Commission by the Second Circuit Court for further review.

The Second Public Hearing on the requests was conducted by the Commission at its October 27, 2015 meeting. The record was transmitted to the Commission for the October 27, 2015 Commission meeting. The Commission deferred action on the requests as they were unable to take action to approve or disapprove the requests. (Commissioners: Please bring those documents previously circulated to you to the meeting.)

The matter was taken up again by the Commission at its January 12, 2016 meeting. The Commission deferred action on the requests as they were unable to take action to approve or disapprove the requests. The record was transmitted to the Commission of that portion of the January 12, 2016 meeting dealing with these matters.

The Commission may take action on these requests.

F. ADOPTION OF WRITTEN DECISION AND ORDER

1. Having voted on May 26, 2015 to deny the requests by AMANDA and CATHLEEN WILSON and MIKE and ROXANNE WHITEHURST requesting a State Land Use Commission Special Use Permit and a Short-Term Rental Home Permit in order to operate a six (6) bedroom short-term rental home operation in two dwellings located in the State Agricultural District at 562 Kai Hele Ku Street, TMK: 4-7-009: 044, Lahaina, Island of Maui. (SUP2 2015/0001) (STWM T2015/0001) (G. Flammer)

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.

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

G. ACCEPTANCE OF THE ACTION MINUTES OF THE FEBRUARY 9, 2016 MEETING.

H. DIRECTOR'S REPORT

1. Notification of the issuance of the following Special Management Area (SMA) Emergency Permit:

January 29, 2016 SMA Emergency Permit Approval Letter to Mr. Chris Conger of Sea Engineering, Inc., for emergency erosion protection of approximately 200 ft. of shoreline adjacent to the Hyatt Regency Maui located at 200 Nohea Kai Drive, TMK: 4-4-013:008, Kaanapali, Island of Maui. (SM3 2016/0001) (SSA 2016/0007) (K. Scott)

This is for information purposes.

2. Commission Quorum for the March 22, 2016 meeting
3. Discussion of Commission Member Attendance
4. SMA Minor Permit Report
5. SMA Exemptions Report
6. Discussion of Future Maui Planning Commission Agendas
 - a. March 8, 2016 meeting agenda items

I. NEXT REGULAR MEETING DATE: MARCH 8, 2016

J. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

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 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 February 23, 2016 was on February 8, 2016.

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\022316.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: 01/27/2016 - 02/10/2016

02/10/2016

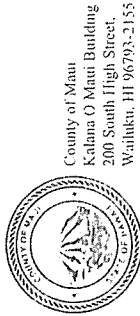
Permit #	Project	Description	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM2 - 20160003	CERAMIC TILE PLUS	CERAMIC TILE PLUS (DORAN, JAMES)	ADDITION TO EXISTING BLDG/KAHULUI	RICHARD YOUNG	SCOTT	01/28/2016	A W/COND-APPROVED WITH CONDITIONS	2370020170000
SM2 - 20160004	ELLMAN'S RESTAURANT	ELLMAN'S RESTAURANT	ELLMAN'S RESTAURANT LAHAINA	MARK ELLMAN	SCOTT	01/29/2016	A W/COND-APPROVED WITH CONDITIONS	2450050110000
SM2 - 20160005	THE DIRTY MONKEY	THE DIRTY MONKEY - ATF RESTAURANT RENOVATION	REPAIR/REPLACE BALCONY WINDOWS LAHAINA	AVALON DEVELOPMENT COMPANY LLC	AAKO	02/09/2016	A W/COND-APPROVED WITH CONDITIONS	2450010160000
SM2 - 20160006	DOAN, TIEN THANH	DOAN, TIEN THANH	DWELLING ADDITION/ALTERATION	MONTY CARPENTER	SCOTT	02/02/2016	A W/COND-APPROVED WITH CONDITIONS	2460090480000
SM2 - 20160007	PAIA 2020 LLC	PAIA 2020 LLC	INSTALL VEHICLE GATE IN PRKG LOT / PAIA	PAIA 2000, LLC	AAKO	02/02/2016	A W/COND-APPROVED WITH CONDITIONS	2250050630000
SM2 - 20160008	BARNETT REMODEL	BARNETT REMODEL - INTERIOR AND EXTERIOR	BARNETT REMODEL LAHAINA	RONNY & MARY KAY BARNETT	SCOTT	02/02/2016	A W/COND-APPROVED WITH CONDITIONS	2460320400000
SM2 - 20160010	HIOLOLANI BEACH	HIOLOLANI BEACH ACCESS STAIRS	CONSTRUCT WOOD STAIR, CROSSWALK LAHAINA	SCOTT BROTHERS CONSTRUCTION	BUJKA	02/05/2016	A W/COND-APPROVED WITH CONDITIONS	2430100090000
SM2 - 20160011	FOUR SEASONS RESORT	MANELE BAY TENT	SHORELINE IMPROVEMENTS WAILEA	FOUR SEASONS RESORT MAUI	SCOTT	02/05/2016	A W/COND-APPROVED WITH CONDITIONS	2210230070000
SM2 - 20160012	ELLMAN, MARK	ELLMAN, MARK - FRIEDA'S BEACH HOUSE, HONU, MALA	PLANTER BED LAHAINA	PACIFIC SIGN & DESIGN, INC.	AAKO	02/05/2016	A W/COND-APPROVED WITH CONDITIONS	2450050110000
SM2 - 20160013	MCKIM	MCKIM GRUBBING AND LANDSCAPING	RESIDENTIAL GRUBBING/LANDSCAPING WAILUKU	JOSHUA AND MARY MCKIM	SCOTT	02/08/2016	A W/COND-APPROVED WITH CONDITIONS	2320150050000

Grand Total : 10

ATTACHMENT A

PD-Approved SMA Exempt Projects for Maui

Permit Completion Date: 01/27/2016 - 02/10/2016



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 - 20160021	SCHETTEWI RESIDENCE	SCHETTEWI - FENCE, TWO GATES/PAIA	JEFFREY A. LUNDAHL, ARCHITECT	SCOTT	01/27/2016	A-APPROVED	2380020230000 2380020760000
SM5 - 20160022	LAHAINA ROADS	LAHAINA ROADS/SPALLING & RAILING REPAIRS	MR. CHARLES A. O'NEILL	SCOTT	01/27/2016	A-APPROVED	2450130270000
SM5 - 20160025	FABMAC HOMES	RELOCATE FABMAC HOME-RETAIL OFFICE/KAHUL	CHARLIE MORGAN	AZBILL	01/27/2016	A-APPROVED	2370020010000
SM5 - 20160026	WORLD WHALE DAY 2016	TEMPORARY TENTS/ENTERTAINMENT/STAGE-KIHEI	PACIFIC WHALE FOUNDATION	AZBILL	01/27/2016	A-APPROVED	2390050520000
SM5 - 20160027	GRAND WAILEA RESORT	TEMP TENT-STAGE STRUCTURES/WAILEA	RJECKE SUNNLAND KONO ARCHITECTS, LTD.	AZBILL	01/27/2016	A-APPROVED	2210081090000
SM5 - 20160028	BREEN RESIDENCE DEMO	DEMO & RENEW SFR, REFURB COTTAGE/WAILUKU	DAVID BREEN	SCOTT	01/28/2016	A-APPROVED	2340290230000
SM5 - 20160029	SEASIDE LUXE LLC	RETAIL ALTERATION	FAYE OTSUKA	CABAIS	01/29/2016	A-APPROVED	2210230030000
SM5 - 20160030	SOLEIL LUNA SALON	INSTALL NEW BACKFLOW PREVENTER/LAHAINA	WENDY POGNI	QUIGLESS	02/02/2016	A-APPROVED	2460100120000
SM5 - 20160031	SCHMIDT, RON	SWIMMING POOL	CURT GILLSTRAP	HIGA	02/02/2016	A-APPROVED	2390600250000
SM5 - 20160032	HIOY, GARY & MICHA	MAIN DWELLING, GARAGE, DECKS	HOY, GARY & MICHA, TRUSTEES	SCOTT	02/03/2016	A-APPROVED	2430150100000
SM5 - 20160033	EGIDE RES. TRELIS	MAIN DWELLING ALTERATION / WAILEA	MARC A TARON	HIGA	02/04/2016	A-APPROVED	2210270040000
SM5 - 20160034	76 GAS STATION	76 GAS STATION - GROUND SIGN/KAHULUI	PACIFIC SIGN & DESIGN	QUIGLESS	02/04/2016	A-APPROVED	2380520010000
SM5 - 20160035	LEDERER CONDO RENO	LEDERER CONDO RENO/WAILEA	SATISH K. GHOLKAR	AZBILL	02/04/2016	A-APPROVED	2210230040011
SM5 - 20160037	ONEILL, SHAWNE	WORKSHOP/STORAGE / HAIKU	JAMES BICKFORD	WAIKIKI	02/08/2016	A-APPROVED	22900030610000
SM5 - 20160038	PINEAPPLE HILL AT KA	PINEAPPLE HILL AT KAPALUA HOA	AVERY LOY	WAIKIKI	02/08/2016	A-APPROVED	2420031000000
SM5 - 20160039	KERBOW, FOREST	DRYING SHED / WORKSHOP - ACT 203	KERBOWS	WAIKIKI	02/08/2016	A-APPROVED	2290010130000
SM5 - 20160040	SESSLER, JON & MARIA	APT ALTERATION UNIT 105/KIHEI	RICKY J MCGOVERN	QUIGLESS	02/08/2016	A-APPROVED	23900040250002
SM5 - 20160041	MALAPIRA ADDITION	MAIN DWELLING ADDITION \ PAIA	THERESA MALAPIRA	HIGA	02/08/2016	A-APPROVED	22600050720000
SM5 - 20160042	40 HALE PILI DEMO	SMA APP/DEMO OF MAIN FARM DWL/HAIKU	HONOLUA RIDGE TRUST	SCOTT	02/09/2016	A-APPROVED	2280110150000
SM5 - 20160043	THORUP RESIDENCE	DWELLING ADDITION & RENO / KIHEI	DOUGLAS ERIK THORUP	HIGA	02/09/2016	A-APPROVED	2390370470000

Grand Total : 20

projects