

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

AGENDA

DATE: May 10, 2016
TIME: 9:00 A.M.
PLACE: Planning Department Conference Room, First Floor, Kalana Pākui Building,
250 High Street, Wailuku, Maui, Hawaii 96793

RECEIVED
2016 MAY -2 AM 9:47
OFFICE OF THE
COUNTY CLERK

Members: Max Tsai (Chair), Jason Medeiros (Vice-Chair), Stephen Castro, Lawrence Carnicelli, Sandra Duvauchelle, Wayne Hedani, Richard Higashi, Larry Hudson, 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 each public hearing.)

1. MR. ALLEN T. YAP of KAMAOLE POINTE DEVELOPMENT, LLP requesting a Special Management Area Use Permit for the Kamaole Pointe Project consisting of a 129-unit workforce housing condominium complex with associated improvements in the H-2 Hotel District at 2443/2445 South Kihei Road, TMK: 3-9-020: 010, 011, and 012, Kihei, Island of Maui. (SM1 2015/0009) (K. Scott)
2. DR. SUJATA BHATIA requesting a Change in Zoning from R-3 Residential District to B-2 Community Business District and a Special Management Area Use Permit in order to construct the Kihei Wellness Center, a two-story approximately 21,958 sq. ft. building intended to house medical offices, clinics, and other medical related services for the South Maui region at 1488 South Kihei Road, TMK: 3-9-010: 077, Kihei, Island of Maui. (CIZ 2011/0003) (SM1 2011/0005) (P. Fasi)

D. UNFINISHED BUSINESS

- 1 MR. WILLIAM SPENCE, Planning Director, transmitting Council Resolution No. 15-139 referring to the Lanai, Maui, and Molokai Planning Commissions a proposed bill relating to transient vacation rentals in planned developments. (J. Alueta) (Public Hearing conducted on April 12, 2016) (Commissioners: Please bring your Department Report with you to the meeting.)

The Commission may take action on this request.

E. 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 request administratively:

- a. MR. FORD FUCHIGAMI, Director of Transportation, STATE DEPARTMENT OF TRANSPORTATION requesting a two (2)-year time extension on the Special Management Area Use Permit and Shoreline Setback Variance conditions to initiate construction of the proposed Honoapiilani Highway Shoreline Protection Project at TMK: 4-8-003: 006 (por.), Olowalu, Island of Maui. (SM1 2009/0005) (SSV 2009/0001) (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.

- b. MR. GRANT Y.M. CHUN, Vice-President of WAILEA MF-7 LLC requesting a two (2)-year time extension on the Special Management Area Use Permit condition to initiate construction of the Wailea MF-7 Multi-Family Residential Project at Kai Malu Drive. TMK: 2-1-008: 116, Wailea, island of Maui. (SM1 2006/0038) (PD1 2006/0004) (PD2 2006/0004) (PD3 2007/0004) (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.

F. ORIENTATION WORKSHOP NO. 2 (previously scheduled for the April 26, 2016 meeting.)

1. Bed and Breakfast, Short-Term Rentals, and State Special Permits
2. County's Policy Against Discrimination
3. Sunshine Law
4. Ethics
5. Contested Cases
6. Property Rights
7. Rational Nexus and Rough Proportionality
8. Update of the General Plan
 - a. Long Range Division
 - b. Plan Implementation Division
9. Public Works Review of Drainage and Traffic Reports

G. ACCEPTANCE OF THE ACTION MINUTES OF THE APRIL 26, 2016 MEETING

H. DIRECTOR'S REPORT

1. Designation of the Hana Advisory Committee to the Maui Planning Commission to conduct the public hearing and provide its recommendation on the following application:

MR. MICHAEL OPGENORTH of the NATIONAL TROPICAL BOTANICAL GARDENS requesting a State Land Use Commission Special Permit in order to construct and operate a visitor center with a gravel parking lot and landscape planting without irrigation at the entrance to Kahanu Garden in the State Agricultural District at 650 Ulaino Road, TMK: 1-3-002: 039 (por.), Hana, Island of Maui. (SUP2 2016/0003) (R. Quigless)

The Commission may designate the Hana Advisory Committee to conduct the public hearing and provide its recommendation on the application or take some other action.

2. Reminder of the May 18, 2016-Site Inspection at 9:00 a.m. on the following:

ATC MAKENA HOLDINGS, LLC requesting an Environmental Assessment and a Special Management Area Use Permit for the proposed Makena Resort M-5/M-6/S-7/B-2 project on approximately 47.15 acres of land located in the vicinity of the Makena Alanui Road and Honoiki Street intersection, TMK: 2-1-008: 080, 098, 099, 100 and 106, Makena, Island of Maui. (EA 2015/0007) (A. Cua)

3. SMA Minor Permit Report
4. SMA Exemptions Report
5. Discussion of Future Maui Planning Commission Agendas
 - a. May 24, 2016 meeting agenda items

I. NEXT REGULAR MEETING DATE: MAY 24, 2016

J. 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 May 10, 2016 was on April 26, 2016.

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 AND/OR EMAILED TESTIMONY REQUESTED SHOULD BE RECEIVED AT LEAST TWO (2) BUSINESS DAYS BEFORE THE MEETING TO ENSURE 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 AND/OR EMAILS 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\051016.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: 04/13/2016 - 04/27/2016

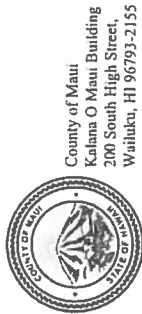
04/29/2016

Permit #	Project	Description	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM2 - 20160031	DUNE RESTORATION	DUNE RESTORATION AT 461 LAULEA PLACE	CONTINUE BEACH QUALITY SAND FILL	SPRECKELSVILLE BEACH RESTORATION FOUNDATION	BUIKA	04/14/2016	A. W/COND-APPROVED WITH CONDITIONS	2380020060000
SM2 - 20160032	HANA RANCH	HANA RANCH-SEPTIC SYSTEM/GREASE INTERCEPTOR	SEPTIC SYSTEM/GREASE INTERCEPTOR/HANA	HANA RANCH LAND LLC	QUIGLESS	04/13/2016	A. W/COND-APPROVED WITH CONDITIONS	2140020040000
SM2 - 20160033	BANYAN TREE BIRTHDAY	BANYAN TREE BIRTHDAY FESTIVAL (2016, 2017, 2018, 2019, 2020)	BANYAN TREE BIRTHDAY - YEAR 2016/LAHAINA	LAHAINATOWN ACTION COMMITTEE	QUIGLESS	04/18/2016	A. W/COND-APPROVED WITH CONDITIONS	2460010090000
SM2 - 20160034	BANYAN TREE BIRTHDAY	BANYAN TREE BIRTHDAY FESTIVAL (2016, 2017, 2018, 2019, 2020)	BANYAN TREE BIRTHDAY - YEAR 2017/LAHAINA	LAHAINATOWN ACTION COMMITTEE	QUIGLESS	04/18/2016	A. W/COND-APPROVED WITH CONDITIONS	2460010090000
SM2 - 20160035	BANYAN TREE BIRTHDAY	BANYAN TREE BIRTHDAY FESTIVAL (2016, 2017, 2018, 2019, 2020)	BANYAN TREE BIRTHDAY - YEAR 2018/LAHAINA	LAHAINATOWN ACTION COMMITTEE	QUIGLESS	04/18/2016	A. W/COND-APPROVED WITH CONDITIONS	2460010090000
SM2 - 20160036	BANYAN TREE BIRTHDAY	BANYAN TREE BIRTHDAY FESTIVAL (2016, 2017, 2018, 2019, 2020)	BANYAN TREE BIRTHDAY - YEAR 2019/LAHAINA	LAHAINATOWN ACTION COMMITTEE	QUIGLESS	04/18/2016	A. W/COND-APPROVED WITH CONDITIONS	2460010090000
SM2 - 20160037	BANYAN TREE BIRTHDAY	BANYAN TREE BIRTHDAY FESTIVAL (2016, 2017, 2018, 2019, 2020)	BANYAN TREE BIRTHDAY - YEAR 2020/LAHAINA	LAHAINATOWN ACTION COMMITTEE	QUIGLESS	04/18/2016	A. W/COND-APPROVED WITH CONDITIONS	2460010090000
SM2 - 20160038	OUTLETS OF MAUI MKT	OUTLETS OF MAUI FARMERS MARKET-OUTLET CTR	OPERATE FARMERS MARKET/LAHAINA	MAUI OUTLETS ASSOCIATES	THACKERSON	04/25/2016	A. W/COND-APPROVED WITH CONDITIONS	2450020090000
SM2 - 20160039	MOORE, DAVID	MOORE, DAVID	2ND FARM DWELLING/PAIA	MARTIN VANCE COOPER	SCOTT	04/22/2016	A. W/COND-APPROVED WITH CONDITIONS	2260130140000
SM2 - 20160040	VALLEY ISLE RESORT	VALLEY ISLE RESORT EMERGENCY BEACH REPAIR PROJECT	INSTALLATION OF SANDBAGS/LAHAINA	SHARON WRIGHT	SCOTT	04/27/2016	A. W/COND-APPROVED WITH CONDITIONS	2430100040000

Grand Total : 10

PD-Approved SMA Exempt Projects for Maui

Permit Completion Date: 04/13/2016 - 04/27/2016



County of Maui
Kahala O Maui Building
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Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20160074	HONOKOWAI BEACH PARK	PARKING LOT REPAIRS, PHI - HONOKOWAI	DEPARTMENT OF PARKS AND RECREATION	SCOTT	04/14/2016	A-APPROVED	2440010460000 2440010470000
SM5 - 20160075	WAIHIKULI WAYSIDE	PARKING IMPROVEMENTS, PHI - WAIHIKULI	DEPARTMENT OF PARKS AND RECREATION	SCOTT	04/13/2016	A-APPROVED	2450210070000
SM5 - 20160076	HYATT VACATION CLUB	HYATT VACATION CLUB, LAHAINA	MAUI TIMESHARE VENTURE, LLC	THACKERSON	04/13/2016	A-APPROVED	2440130130000
SM5 - 20160077	HYATT VACATION CLUB	STRUCTURAL IMPROVEMENTS/LAHAINA	MAUI TIMESHARE VENTURE LLC	THACKERSON	04/14/2016	A-APPROVED	2440130130000
SM5 - 20160078	SLABAUGH, ROSEMARY	1ST FARM DWELLING/HAIKU	PRO DRAFT INC		04/14/2016	A-APPROVED	2290050070000
SM5 - 20160079	SLABAUGH, ROSEMARY	PUMP HOUSE/HAIKU	PRO DRAFT, INC		04/14/2016	A-APPROVED	2290050070000
SM5 - 20160080	BLOSSER, JARON	SWIMMING POOL & SPA / KIHEI	JARON BLOSSER		04/14/2016	A-APPROVED	2390440210000
SM5 - 20160081	OBERLANDER, HELENA	SWIMMING POOL \ KIHEI	OBERLANDER, HELENA SOPHIA		04/14/2016	A-APPROVED	2390430090000
SM5 - 20160082	BANYAN TREE RESTAURA	IMPROVEMENTS TO RESTAURANT/KAPALUA	HONOLUA ASSOCIATES	CABAIS	04/19/2016	A-APPROVED	2420040210000 2420040210131
SM5 - 20160083	KERBOW, FOREST	AG BARN/WORKSHOP - ACT 203/HAIKU	KERBOW, FOREST		04/19/2016	A-APPROVED	2290010130000
SM5 - 20160084	WHOLE FOODS	BETTER USAGE FOR MARKET/KAHULUI	ANTHONY RIECKE-GONZALES	QUIGLESS	04/19/2016	A-APPROVED	2370090040000
SM5 - 20160085	RYBAK DECK	RYBAK DECK/PAIA	MICHAEL AND DEBORAH RYBAK	QUIGLESS	04/19/2016	A-APPROVED	2260110080001
SM5 - 20160086	825 FRONT STREET	825 FRONT STREET/LAHAINA	DESTINATION MAUI REALTY	SCOTT	04/19/2016	A-APPROVED	2450010030000
SM5 - 20160087	WEST, WOODLEY	SWIMMING POOL/KIHEI	WOODLEY WEST		04/19/2016	A-APPROVED	2390350810000
SM5 - 20160088	LOON PROPERTIES	REMODELING/KIHEI	RICHARD YOUNG		04/20/2016	A-APPROVED	2210230160000
SM5 - 20160090	PEREBOROW, LAGBA ETA	GROUND MOUNT PV	LAGBA DARRYL PEREBOROW		04/20/2016	A-APPROVED	2420050400000
SM5 - 20160091	SAI SMILEY FARM	USAIA SMILEY FARM DWELLING	USAIA SMILEY	WAIKIKI	04/21/2016	A-APPROVED	2290010390000
SM5 - 20160092	NAPILI PARK	PARKING LOT REPAIRS, PHI - NAPILI	DEPARTMENT OF PARKS	SCOTT	04/21/2016	A-APPROVED	2430180400000

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Permit Completion Date: 04/13/2016 - 04/27/2016



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Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20160093	J &AW PROPERTY	REPLACE WINDOWS LAHAINA	AND RECREATION LINDA SELFERS	SCOTT	04/21/2016	A-APPROVED	2460320040000

Grand Total : 19