

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

AGENDA

DATE: SEPTEMBER 13, 2016
TIME: 9:00 A.M.
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building,
250 South High Street, Wailuku, Maui, Hawaii 96793

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OFFICE OF THE
COUNTY CLERK

Members: Max Tsai (Chair), Sandra Duvauchelle (Vice-Chair), Lawrence Carnicelli, Stephen Castro, 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. RESOLUTION THANKING THE SERVICE OF COMMISSIONER JASON MEDEIROS
- D. PUBLIC HEARINGS (Action to be taken after each public hearing.)
 - 1. MR. WILLIAM SPENCE, Planning Director, transmitting Council Resolution No. 16-93 referring to the Lanai, Maui, and Molokai Planning Commissions a Proposed Bill Amending the Comprehensive Zoning Ordinance relating to Enforcement Procedures for Bed and Breakfast Homes and Short-Term Rental Homes. (G. Flammer)
 - 2. MR. WILLIAM SPENCE, Planning Director, transmitting Council Resolution No. 16-94 to the Lanai, Maui and Molokai, Planning Commissions containing a Proposed Bill Amending Section 19.65.030 of the Maui County Code to Establish Ownership Durational Requirements for Short-Term Rental Home Applications, (G. Flammer)
 - 3. MR. DAVID A. LAND requesting a Bed and Breakfast Home Permit in order to operate the Maui Meadows Retreat, a four (4)-bedroom bed and breakfast in two (2) dwellings located in the Rural District at 485 Kumulani Drive, TMK: 2-1-013: 028, Kihei, Island of Maui. (BBKM T2016/0003) (R. Quigless)

This application is being brought to the Planning Commission for review because there is at least one permitted bed and breakfast home operation located within 500 ft. of the subject property.

- E. ADOPTION OF THE WRITTEN DECISION AND ORDER

1. Action taken at the February 23, 2016 meeting on 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)
 - a. Substitution of Applicant's Counsel
 - 1) July 15, 2016 Notice of Withdrawal of Counsel for VICTORY DEVELOPMENT, INC. from attorneys CRAIG G. NAKAMURA and ARSIMA A. MULLER of CARLSMITH BALL
 - 2) August 17, 2016 Notice of Appearance of Counsel for Applicant VICTORY DEVELOPMENT, INC. from attorneys DEBORAH K. WRIGHT, KEITH D. KIRSCHBRAUN, and DOUGLAS R. WRIGHT of WRIGHT & KIRSCHBRAUN
 - b. Adoption of Written Decision and Order
 - 1) April 1, 2016 Proposed Findings of Fact, Conclusions of Law, and Decision and Order relating to Kihei Kai-Nani Phase One, Inc.'s Petition to Intervene submitted by CRAIG G. NAKAMURA and ARSIMA A. MULLER, of CARLSMITH BALL, attorneys for Applicant VICTORY DEVELOPMENT, INC.
 - 2) April 6, 2016 submittal from attorneys TOM PIERCE and PETER N. MARTIN (Of Counsel) regarding ASSOCIATION OF APARTMENT OWNERS OF KIHEI KAI NANI, PHASE ONE, INC.'s Objections to Proposed Findings of Fact, Conclusions of Law, and Decision and Order relating to Association of Apartment Owners of Kihei Kai Nani, Phase One Inc's Petition to Intervene.

The Commission may act to adopt or modify the proposed written Decision and Order or take some other action.

- F. ACCEPTANCE OF THE ACTION MINUTES OF THE AUGUST 23, 2016 MEETING AND REGULAR MINUTES OF THE JUNE 14, 2016 MEETING

G. DIRECTOR'S REPORT

1. SMA Minor Permit Report
2. SMA Exemptions Report
3. Discussion of Future Maui Planning Commission Agendas
 - a. September 27, 2016 meeting agenda items

H. NEXT REGULAR MEETING DATE: September 27, 2016

I. 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 September 13 2016 was on August 29, 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:\a1\carolyn\091316.age)

OFFICE OF THE
COUNTY CLERK

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PD-Approved SMA Minor Projects for Maui

Permit Completion Date: 08/10/2016 - 08/31/2016



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

Permit #	Project	Description	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM2 - 20160094	215 WAKEA AVENUE	215 WAKEA AVENUE - FLEXIBLE WAREHOUSE BUILDING	CREATE LOADING DOCK/KAHULUI	NOHELANI UU	DIAS	08/10/2016	A W/COND-APPROVED WITH CONDITIONS	2370020010000
SM2 - 20160095	THE GAS COMPANY	THE GAS COMPANY	GRUBBING & FENCINGKAHULUI	THE GAS COMPANY, LLC	BUJKA	08/12/2016	A W/COND-APPROVED WITH CONDITIONS	2370110280000
SM2 - 20160096	RAAS, ALEXANDER	RAAS, ALEXANDER AND CAROL ANN	RAAS AG EQUIPMENT GARAGE/HAIKU	MARIAN ZAJAC	SCOTT	08/12/2016	A W/COND-APPROVED WITH CONDITIONS	2270360350002
SM2 - 20160097	WAINEE ST WATER	WAINEE ST. WATER METER SEWER MANHOLE	INSTALL PROPERTY LINE MANHOLE/ LAHAINA	HIONE, LLC	SCOTT	08/18/2016	A W/COND-APPROVED WITH CONDITIONS	2450070040000
SM2 - 20160098	MARCHELLO, MARK	MARCHELLO, MARK	APT ALTERATION/LAHAINA	MARCHELLO, MARK	SCOTT	08/18/2016	A W/COND-APPROVED WITH CONDITIONS	2460320410000
SM2 - 20160099	RUPPENTHAL, DOUGLAS	RUPPENTHAL, DOUGLASQ	SWIMMING POOL AND SPA/KIHEI	BINIARIS, SOTORIOS	QUIGLESS	08/22/2016	A W/COND-APPROVED WITH CONDITIONS	2390030510000
SM2 - 20160100	DOAN, QUYNH DINH	QUYNH DINH DOAN	ATTACHED ACCESSORY DWELLING- AT/FKIHEI	QUYNH DOAN	HIGA	08/22/2016	A W/COND-APPROVED WITH CONDITIONS	2390370150000

Grand Total : 7

PD-Approved SMA Exempt Projects for Maui

Permit Completion Date: 08/10/2016 - 08/31/2016



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 - 20160241	HICKEY SINK HOLE	PERMANENT BACKFILL/KIHEI	WESLEY AND DIANE HICKEY	SCOTT	08/10/2016	A-APPROVED	239010060000
SM5 - 20160244	DORAN, SCOTT	SWIMMING POOL AND SPA/KIHEI	SCOTT DORAN	HIGA	08/10/2016	A-APPROVED	2390540420000
SM5 - 20160245	RILEY, RUSSELL	ALTERATION - KITCHEN REMODEL/KIHEI	RUSSEL RILEY	HIGA	08/11/2016	A-APPROVED	2390520110000
SM5 - 20160246	MAUI SCHOONER RESORT	CONVERSION OF IRRIGATION SYSTEM/KIHEI	TONY NEWMAN	CABAIS	08/11/2016	A-APPROVED	2390010040001
SM5 - 20160247	FERRANDO, GREGORY	GARAGE REMODEL - ATF/KIHEI	GREGORY FERRANDO		08/11/2016	A-APPROVED	2390150090001
SM5 - 20160248	SOUZA, DANA	NEW DWELLING/LAHAINA	SOUZA,DANA C.	AAKO	08/15/2016	A-APPROVED	2460060260000
SM5 - 20160249	KETTER, JAMES	MAIN DWELLING ALTERATION/ADDITION/KIHEI	PAUL TAYLOR	HIGA	08/15/2016	A-APPROVED	2390401100000
SM5 - 20160250	ADDITION OF SECURITY	ADDITION OF SECURITY DOORS / LAHAINA	DESTINATION MAUI REALTY	QUIGLESS	08/16/2016	A-APPROVED	2450010030000
SM5 - 20160252	COSTCO	REMOVAL & REPLACE NEW DETECTOR/KAHULUI	TONY FACEMIRE	QUIGLESS	08/17/2016	A-APPROVED	2380790220000
SM5 - 20160253	KING HUSEIN	REMODEL CONDO UNIT/ KIHEI	M. RUSSELL ICHIMARU	SCOTT	08/18/2016	A-APPROVED	2390040230088
SM5 - 20160254	HALE NAPILI APTS	REMOVE /REPLACE RETRACTABLE STAIRS/NAPILI APARTMENTS	HALE NAPILI APARTMENTS	SCOTT	08/23/2016	A-APPROVED	2430020240000
SM5 - 20160255	ROYAL KAHANA AOA	REPAIR POOL DECK&SHORELINE WALL/LAHAINA	FRANK EMANUEL	SCOTT	08/23/2016	A-APPROVED	2430100070000
SM5 - 20160256	ROYAL KAHANA #1109	UPGRADE KITCHEN FINISHES/LAHAINA	THEODORE H. SMYTH, JR.	QUIGLESS	08/25/2016	A-APPROVED	2430100070205
SM5 - 20160257	HALE MAHIALANI	REPLACE EXISTING FENCE/KIHEI	KATHERINE BANKS		08/25/2016	A-APPROVED	2390050210000 2390050210001 2390050210002 2390050210003 2390050210004 2390050210005 2390050210006
SM5 - 20160258	MILAN, BASIL	WATER SYSTEM IMPROVEMENTS/HAIKU	WAYNE I ARAKAKI ENGINEER LLC	SCOTT	08/29/2016	A-APPROVED	2280040970000
SM5 - 20160259	LEDESMA RESIDENCE	MAIN DWELLING, GARAGE, LANAI/KIHEI	DARCY LEDESMA	HIGA	08/25/2016	A-APPROVED	2390610150000

08/31/2016

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200 South High Street,
Wailuku, HI 96793-2155

Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20160260	A & B WAILEA LLC	RESURFACE KAUKAHI ST/WAILEA	A&B PROPERTIES, INC.	QUIGLESS	08/26/2016	A-APPROVED	2210081320000

Grand Total : 17