

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 12, 2006 (Tuesday)
TIME: 9:00 A.M.
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii 96793

Members: Wayne Hedani (Chair), Diane Shepherd (Vice-Chair), Suzanne Freitas, Patricia Eason, Johanna Amorin, William Iaconetti, Bruce U'u, John Guard IV, Jonathan Starr

Public testimony will be taken on any agenda item in order to accommodate those individuals who cannot be present at the meeting when the agenda item(s) is(are) considered by the Maui Planning Commission. Public testimony will also be taken when the agenda item is taken up by the Maui Planning Commission. Maximum time limits on individual testimony may be established by the Planning Commission. A person testifying at the beginning of the meeting will not be allowed to testify again when the agenda item comes up before the Commission, unless new or additional information will be offered.

A. CALL TO ORDER

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

1. MR. MICHAEL W. FOLEY, Planning Director transmitting A Bill for an Ordinance Amending Section 19.510.010, Maui County Code, pertaining to Application and Procedures. The proposed Bill was introduced by the Department of Public Works and Environmental Management.

The subject Bill proposes to streamline the process by eliminating the transmittal to and from the Department of Public Works and Environmental Management. Upon receipt of the application, the Planning Department will review for completeness and initiate processing those applications that are complete. The elimination of the inter-departmental transmittal will lessen the paperwork burden affecting the staffs from both departments and will shorten the process by about one week.

- a. Public Hearing
- b. Action

2. MR. MICHAEL W. FOLEY, Planning Director, transmitting Council Resolution No. 06-57 containing a proposed Bill for an Ordinance Amending Chapter 19.27 of the Maui County Code relating to the Maui Central Park District, Kahului, Island of Maui. The proposed Bill would allow for restaurant and gift shop uses for cultural and performing arts centers and for botanical gardens as accessory uses. (J. Alueta)

- a. Public Hearing
 - b. Action
3. MR. RICK ARMOUR requesting a Special Management Area Use Permit for the Kalama Hills Subdivision in order to develop the existing vacant lot into a 12-lot single-family residential subdivision in the R-2 Residential District at 55 Auhana Street, TMK: 3-9-017: 023, Kihei, Island of Maui. (SM1 2005/0042) (D. Shupack)
- a. Public Hearing
 - b. Action

C. NEW BUSINESS

1. A & B PROPERTIES, INC. requesting comments on the Draft Environmental Assessment (DEA) prepared in support of its Special Management Area Use Permit application for the proposed Kahului Town Center Redevelopment project (primarily the Kahului Shopping Center site) located at TMK: 3-7-007: 005, 008, 009, 010, 027, & 050, Kahului, Island of Maui. (EA 2006/0008) (SM1 2006/0010) (K. Caigoy) (A. Cua)

The proposed action involves the redevelopment of the existing Kahului Shopping Center into a mixed-use commercial/residential development, including retail, office, and other commercial spaces, 442 multi-family residential units, and related off-site and on-site improvements.

The proposed action does not trigger compliance with Chapter 343, Hawaii Revised Statutes. However, the applicant is voluntarily submitting the proposed action for environmental review in conjunction with the filing of a Special Management Area Use Permit.

The Planning Commission is being asked to:

- a. Provide concurrence on the filing the Draft Environmental Assessment and the Anticipated Findings of No Significant Impact (FONSI) with OEQC for publication.
- b. Provide comments on the draft Environmental Assessment.

The public hearing on the Special Management Area Use Permit will be scheduled for a future date after the Chapter 343, HRS process has been complied with.

2. MR. JOHN COOK requesting comments on the Draft Environmental Assessment prepared in support of the Shoreline Setback Variance application in order to construct a swimming pool, spa, and landscaping improvements within the shoreline setback area at 1391 Front Street, TMK: 4-5-013: 001, Lahaina, Island of Maui. (EA 2006/0011) (SM1 2006/0012) (SSV 2006/0002) (K. Caigoy) (T. Abbott)

The applicant is seeking a shoreline setback area and Special Management Area Use Permit for a proposed swimming pool, spa, landscaping, and existing steps and CMU sidewalk at a single family residential property.

The EA trigger is the work within the Shoreline Setback area.

The Planning Commission is being asked to:

- a. Provide concurrence on the filing the Draft Environmental Assessment and the Anticipated Findings of No Significant Impact (FONSI) with OEQC for publication.
- b. Provide comments on the draft Environmental Assessment.

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

D. UNFINISHED BUSINESS

1. KEAKA LLC requesting an Environmental Assessment (EA) Determination on the Final Environmental Assessment (FEA) prepared in support of a Special Management Area Use Permit for the proposed 71-unit condominium project and related improvements at TMK: 2-1-006: 037, 056 (por.), and 2-1-005: 084, Makena , Island of Maui. (EA 2006/0012) (SM1 2005/0015) (K. Caigoy) (C. Suyama) (Draft Environmental Assessment was reviewed at the June 27, 2006 meeting. Final Environmental Assessment was reviewed at the August 22, 2006.) **(Commissioners: Please bring copies of the Draft Environmental Assessment and the Final Environmental Assessment with you. Copies of the Final Environmental Assessment in its entirety has also been circulated to the Maui Planning Commission since the August 22, 2006 meeting.)**

The EA trigger is the use of county lands for infrastructural improvements.

The public hearing date for the Special Management Area Use Permit application will be scheduled for a future date after the Chapter 343 process has been completed.

E. COMMUNICATIONS

1. August 22, 2006 Maui Planning Commission request to review of its current procedures in reviewing Final Environmental Assessments. The Maui Planning Commission may choose to maintain or modify its current procedures.

F. MINUTES OF THE MAY 23, 2006, JUNE 13, 2006 and JULY 10, 2006 MEETING

G. DIRECTOR'S REPORT

1. Commissioner Jonathan Starr's request to have the Office of Environmental Quality Control (OEQC) to conduct a workshop on the review of environmental documents. The Commission may vote to schedule such a workshop for a future date and time.
2. Commissioner Jonathan Starr's request to form an Infrastructure Subcommittee. The Maui Planning Commission may vote whether or not to form such a subcommittee and who should be a member of the subcommittee.
3. EA/EIS Report
4. SMA Minor Permit Report
5. SMA Exemptions Report

H. NEXT REGULAR MEETING DATE: September 26, 2006

I. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.

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 MAUI PLANNING DEPARTMENT, 250 S. HIGH STREET, WAILUKU, MAUI, HAWAII 96793. The deadline for filing a timely Petition to Intervene was on August 28, 2006

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON EACH ANY AGENDA ITEM SUBJECT TO THE

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PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES AND THE MAUI PLANNING COMMISSION RULES OF PRACTICE AND PROCEDURE. WRITTEN TESTIMONY SHOULD BE RECEIVED AT LEAST TWO 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.

DOCUMENTS ARE ON FILE WITH THE PLANNING DEPARTMENT.

THE ADDRESS OF THE COMMISSION IS C/O THE MAUI PLANNING DEPARTMENT, 250 S. HIGH STREET, WAILUKU, MAUI, HAWAII 96793.

THOSE PERSONS REQUESTING SPECIAL ACCOMMODATIONS DUE TO DISABILITIES, PLEASE CALL THE MAUI PLANNING DEPARTMENT AT 270-7735 (Maui) OR 1-800-272-0117 (Molokai) OR 1- 800-272-0125 (Lanai) OR NOTIFY THE MAUI PLANNING DEPARTMENT IN WRITING AT 250 S HIGH STREET, WAILUKU, MAUI, HAWAII 96793 OR FAX NUMBER 270-7634; AT LEAST TWO (2) 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 INSURE THAT IT IS CIRCULATED TO THE BOARD.

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\091206.age)