

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

AGENDA

DATE: November 25, 2008 (Tuesday)
TIME: 8:30 A.M.
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii 96793

Members: Jonathan Starr (Chair), John Guard IV (Vice-Chair), William Iaconetti, Wayne Hedani, Bruce U'u, Kent Hiranaga, Ward Mardfin, Donna Domingo

Public testimony will be taken at the start of the meeting 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 this time will not be allowed to testify again when the agenda item comes up before the Commission, unless new or additional information will be offered.

Testifiers: Please be advised that applications for Community Plan Amendment, State District Boundary Reclassification, Change in Zoning, Conditional Permit, Type 3 Bed and Breakfast 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.

A. CALL TO ORDER

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

1. MR. SANDY BAZ of MAUI ECONOMIC OPPORTUNITY, INC. requesting a Community Plan Amendment from Heavy Industrial and Agricultural to Light Industrial Use and a Change in Zoning from Agricultural District to M-1 Light Industrial District for the MEO Transportation Center Project on approximately 10.041 acres of land at TMK: 3-8-006: 004, Kahului, Island of Maui. (CPA 2008/0001) (CIZ 2008/0001) (A. Cua)

- a. Public Hearing
- b. Action

C. ADOPTION OF WRITTEN FINDINGS OF FACTS, CONCLUSIONS OF LAW, AND DECISION AND ORDERS (No public testimony will be taken as the Commission will be completing their adjudicatory function.)

1. Adoption of Written Decision and Order prepared by BRIAN T. MOTO, Corporation Counsel and JAMES GIROUX, Deputy Corporation Counsel on behalf of the Maui Planning Commission denying the intervention request from LANCE COLLINS, attorney on behalf of LINDA MCDONALD on the request by PINE STATE LIMITED for a State Land Use District Boundary Amendment from Agricultural to Urban for Ke Kani Kai, a proposed 2-lot subdivision and associated infrastructure improvements at Lot 3 Makena, Keoneoio Road, TMK: 2-1-005: 117, Makena, Island of Maui. (DBA 2007/0008) (P. Fasi) (Action taken at the October 14, 2008 meeting.)

The Commission may act to adopt or modify the proposed written decision and order.

2. Adoption of Written Decision and Order prepared by BRIAN T. MOTO, Corporation Counsel and JAMES GIROUX, Deputy Corporation Counsel on behalf of the Maui Planning Commission denying the intervention request from LANCE COLLINS, attorney on behalf of LINDA MCDONALD on the request by MR. GREG KAUFMAN of IWA IKE LLC for a State Land Use District Boundary Amendment from Agricultural to Urban for the Iwa Ike Subdivision, a four (4) lot subdivision and related improvements at 6699 Makena Road, TMK: 2-1-005: 118, Makena, Island of Maui. (DBA 2007/0007)(J. Prutch) (Action taken at the October 14, 2008 meeting.)

The Commission may act to adopt or modify the proposed written decision and order.

D. UNFINISHED BUSINESS

1. MR. GREG KAUFMAN of IWA IKE LLC requesting a State Land Use District Boundary Amendment from Agricultural to Urban for the Iwa Ike Subdivision, a four (4) lot subdivision and related improvements at 6699 Makena Road, TMK: 2-1-005: 118, Makena, Island of Maui. (DBA 2007/0007)(J. Prutch) (Public hearing conducted on October 14, 2008.)

The Commission may take action on this request.

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

1. MR. JEFFREY HUNT, Planning Director transmitting Council Resolution No. 08-73 containing A Draft Bill amending Section 19.78.070, Maui County Code, to prohibit traffic ingress and egress on Kainani Street to and from the Development within the Maui Lani Project District to the Maui Planning Commission. (PH1 2008/0001) (A. Cua) (Commission to take item up at 1:00 p.m.)

- a. Public Hearing
- b. Action

2. A & B WAILEA LLC requesting a Special Management Area Use Permit for the proposed MF-10 Multi-Family Use Project at Wailea Resort consisting of nine (9) improved single family residential lots, 36-multi-family units housed in four (4) buildings, commercial center of approximately 64,000 square feet, and related site improvements located northeast of Wailea Ike Drive and Wailea Ike Place, TMK: 2-1-008: 121, Wailea, Island of Maui. (SM1 2008/0007) (P. Fasi)
 - a. Public Hearing
 - b. Action

3. WESTERN APARTMENT SUPPLY & MAINTENANCE COMPANY requesting the following land use changes for the Maui Oceanfront Inn and Sarento's on the Beach Restaurant project at 2980 South Kihei Road, TMK: 3-9-004: 029 and 3-9-004: 149, Kihei, Island of Maui (R. Loudermilk)
 - a. Community Plan Amendment from Single Family Residential to H-M Hotel (CPA 2006/0005);
 - b. Conditional Permit to maintain current hotel and restaurant uses of the subject property and improve Parcel 149 with the construction of a paved parking lot (CP 2006/0012)
 - c. Shoreline Setback Variance to maintain current hotel and restaurant uses of the subject property and improve parcel 149 with the construction of a paved parking lot. (SSV 2006/0004)
 - d. Special Management Area Use Permit to maintain current hotel and restaurant uses and construct a parking lot on parcel 149. (SM1 2006/0017)
 - a) Public Hearing on the various land use applications
 - b) Action on the various land use applications

F. COMMUNICATIONS

1. A & B WAILEA LLC requesting a Step 2 Planned Development Approval for the proposed MF-10 Multi-Family Use Project at Wailea Resort consisting of nine (9) improved single family residential lots, 36-multi-family units housed in four (4) buildings, commercial center of approximately 64,000 square feet, and related site improvements located northeast of Wailea Ike Drive and Wailea Ike Place, TMK: 2-1-008: 121, Wailea, Island of Maui. (PD2 2008/0001) (P. Fasi)

The Commission may take action on this request.

2. WESTERN APARTMENT SUPPLY & MAINTENANCE COMPANY requesting an Offsite Parking Approval for the Maui Oceanfront Inn and Sarento's on the Beach Restaurant project at 2980 South Kihei Road, TMK: 3-9-004: 029 and 3-9-004: 149, Kihei, Island of Maui (OSP 2006/0002) (R. Loudermilk)

The Commission may take action on this request.

G. UNFINISHED BUSINESS

1. MS. JESSICA KAILANI ROSS, Vice-President of the LEIALII HOMESTEAD ASSOCIATION submitting an October 24, 2008 letter requesting to intervene on the application by MS. TAMARA HORCAJO, Director of the COUNTY DEPARTMENT OF PARKS AND RECREATION for a Special Management Area Use Permit for the Lahaina Civic Center Tennis Courts Expansion Project consisting of the addition of four (4) new tennis courts, a 25-stall paved parking lot, and related improvements at TMK: 4-5-021: portion of 010, portion of 016, and portion of 020, Lahaina, Island of Maui. (SM1 2008/0015) (L. Callentine)

- a. Amended Petition to Intervene dated November 9, 2008 and submitted on November 10, 2008.

The Commission may take action on this item.

2. MS. TAMARA HORCAJO, Director of the COUNTY DEPARTMENT OF PARKS AND RECREATION requesting a Special Management Area Use Permit for the Lahaina Civic Center Tennis Courts Expansion Project consisting of the addition of four (4) new tennis courts, a 25-stall paved parking lot, and related improvements at TMK: 4-5-021: portion of 010, portion of 016, and portion of 020, Lahaina, Island of Maui. (SM1 2008/0015) (L. Callentine) (Public hearing conducted on November 10, 2008.)

The Commission may take action on this request.

H. ACTION MINUTES OF THE NOVEMBER 10, 2008 MEETING

I. DIRECTOR'S REPORT

1. Designating the Hana Advisory Committee to the Maui Planning Commission to conduct the public hearing on the following applications:

- a. Council Resolution containing the following draft bills for the Paani Mai Park Expansion project at TMK: 1-4-006: 025 and 1-4-0006: Portion of 001, Hana, Island of Maui: (D. Dias)

- 1) Community Plan Amendment for Parcel 1 from Multi-Family to Park (CPA 2008/0004)
 - 2) State Land Use District Boundary Amendment for Parcels 25 and portion of 1 from State Ag. District to State Urban District (DBA 2008/0003)
 - 3) Change in Zoning for Parcels 25 and portion of 1 from State Interim District to PK-2 Park District (CIZ 2008/0005)

- b. MS. TAMARA HORCAJO, Director, DEPARTMENT OF PARKS AND RECREATION requesting a Special Management Area Use Permit for the

Paani Mai Park Expansion project and related improvements at TMK: 1-4-006: 025 and 1-4-006: portion of 001, Hana, Island of Maui: (SM1 2008/0010) (D. Dias)

The Commission may act to refer these applications to the Hana Advisory Committee to conduct the required public hearing and make recommendations on the applications.

2. Notification of the issuance of a time extension on the following Special Management Area Emergency Permit:

Special Management Area Emergency Permit time extension for repairs and actions at 11 Hale Malia Place, TMK: 4-3-003: 096, Napili, Island of Maui. (SMX 2008/0219) (SM3 2008/0004) (SSA 2008/0020) (EAE 2008/0026) (T. Abbott)

3. Planning Commission Projects/Issues
4. Discussion of Future Maui Planning Commission Agendas
5. EA/EIS Report
6. SMA Minor Permit Report
7. SMA Exemptions Report

J. NEXT REGULAR MEETING DATE: December 9, 2008

K. 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 the filing of a timely Petition to Intervene was on November 10, 2008 at 4:30 pm.

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

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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\112508.agenda)