

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

AGENDA

DATE: January 13, 2009 (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. UNFINISHED BUSINESS

1. MARRIOTT OWNERSHIP RESORTS, INC. requesting a transfer of the Special Management Area Use Permit from GENESEE CAPITAL to MARRIOTT OWNERSHIP RESORTS, INC. for the Maui Lu Redevelopment Project at TMK: 3-9-001: 083, 086, & 120 , Kihei, Island of Maui. (SM1 2003/0021)(A. Cua) (public hearing conducted on November 10, 2008.)

a. December 5, 2008 letter from CHRIS HART of CHRIS HART & PARTNERS withdrawing the transfer request.

The Commission may take action to file the transfer request as it has been withdrawn by the applicant .

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

1. EMMANUEL LUTHERAN CHURCH OF MAUI requesting a Change in Zoning from County Agricultural District to the P-1 Public/Quasi-Public District for the new church campus and school facilities on 25.263 acres of land at TMK: 3-5-002: 011, Wailuku, Island of Maui. (CIZ 2006/0012) (J. Dack)

- a. Public Hearing
 - b. Action
 - 2. KAUHALE MAKAI AOO requesting a Conditional Permit to operate concierge services at the Kauhale Makai Project at 938 South Kihei Road, TMK: 3-9-001: 075-128, Kihei, Island of Maui. (CP 2008/0001) (J. Prutch)
 - a. Public Hearing
 - b. Action
- D. UNFINISHED BUSINESS (To be taken up at approximately 1:00 pm or soon thereafter.)
- 1. MATT and SANDY DANIELLS requesting the following land use changes for the Hanzawa Variety Store Expansion and Subdivision at 1833 Kaupakalua Road, TMK: 2-7-014: portion of 044, Haiku, Island of Maui: (R. Loudermilk) Public hearing conducted on August 12, 2008.
 - a) State Land Use Boundary Reclassification from the State Agriculture District to the State Urban (approximately 2 acres) and the State Rural District (approximately 1.93 acres) (DBA 2007/0001)
 - b) Change in Zoning from Interim District to B-CT Country Town Business District and RU-0.5 Rural District (CIZ 2007/0001) (R. Loudermilk)

The Commission may take action on the State Land Use Boundary Reclassification and Change in Zoning applications.
- E. PUBLIC HEARINGS (Action to be taken after each public hearing.)
- 1. FRANK GUMMICH requesting a State Land Use Commission Special Use Permit and a Conditional Permit for the Hale Maliko Bed and Breakfast to use up to six bedrooms for bed and breakfast purposes in the State Agricultural District at 166 Apuwai Street, TMK: 2-7-036: 020, Haiku, Island of Maui. (SUP2 2001/0022) (CP 2001/0029) (R. Loudermilk)
 - a. Public Hearing
 - b. Action
 - 2. CLAUDIA & KEVIN LEDESMA requesting a State Land Use Commission Special Use Permit and a Conditional Permit for the Hale Mauka Makai three-room bed and breakfast within the County Agricultural District at 279 Pauwela Road, TMK: 2-7-008: 142, Pauwela, Island of Maui. (SUP2 2007/0001) (CP 2007/0003) (R. Loudermilk)
 - a. Public Hearing
 - b. Action

F. NEW BUSINESS

1. CHRIS HART & PARTNERS, INC., on behalf of DORIS TODD MEMORIAL CHRISTIAN DAY SCHOOL requesting a determination on the Final Environmental Assessment prepared in support of the Community Plan Amendment to Public/Quasi-Public for the implementation of the schools long range plan for facility development at 519 Baldwin Avenue, TMK: 2-5-005: 020, 044 and 052, Paia, Island of Maui. (EA 2007/0001) (CPA 2006/0008) (DBA 2005/0004)) (CIZ 2005/0007). (R. Loudermilk) (Draft EA was reviewed at the June 24, 2008 meeting.)

The EA trigger is the Community Plan Amendment. The Maui Planning Commission is the accepting authority for the EA.

The public hearing on the Community Plan Amendment, District Boundary Amendment, and Change in Zoning will be scheduled for a future date after the Chapter 343 process has been completed.

The Commission may make act to accept the Final Environmental Assessment and make a Findings of No Significant Impact (FONSI) or make some other determination.

G. COMMUNICATIONS

1. December 2, 2008 letter from GREGORY D. KAUFMAN, Managing Member of IWA IKE, LLC requesting that the District Boundary Amendment request for the Iwa Ike Subdivision, a 4-lot subdivision and related improvements at Lot 4 Makena-Keoneoio Road, TMK: 2-1-005: 118, Makena, Island of Maui (DBA 2007/0007) be re-heard at a date certain and that the transmittal of the recommendations on the boundary amendment request from the November 25, 2008 Maui Planning Commission be held in abeyance until the matter is re-heard including testimony from the Applicant. (J. Prutch)

The Commission may take action on the request to re-hear the matter at a future date certain and hold the November 25, 2008 recommendation by the Maui Planning Commission in abeyance until the matter is reheard or take some other action.

H. ACTION MINUTES OF THE DECEMBER 9, 2008 MEETING AND REGULAR MINUTES OF THE OCTOBER 14, 2008, OCTOBER 23, 2008, NOVEMBER 10, 2008 AND NOVEMBER 25, 2008 MEETINGS.

I. DIRECTOR'S REPORT

1. 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 issue a time extension(s) on the following requests:

- a. MR. MILTON ARAKAWA, Director, DEPARTMENT OF PUBLIC WORKS requesting a Special Management Area Use Permit two-year time extension on the period to initiate construction of the Waiohonu Bridge Replacement project at TMK: 1-4-012:002, 016, and 019, Hana, Island of Maui. (SM1 2002/0025) (J. Buika)

The Commission shall acknowledge receipt of the request. The Commission may review the time extension request or waive its review.

- b. HONUA LLC requesting a Special Management Area Use Permit time extension to increase the time to initiate construction of the Makena Golf Course Maintenance Washpad by two years until April 30, 2010 at TMK: 2-1-005: 108, Makena, Island of Maui. (SM1 2002/0028) (P. Fasi)

The Commission shall acknowledge receipt of the request. The Commission may review the time extension request or waive its review.

2. Planning Commission Projects/Issues
 3. Discussion of Future Maui Planning Commission Agendas
 - a. January 27, 2009 agenda
 - b. Chair's request to reschedule the April 28, 2009 meeting due to the American Planning Association National Conference
 4. EA/EIS Report
 5. SMA Minor Permit Report
 6. SMA Exemptions Report
- J. NEXT REGULAR MEETING DATE: January 27, 2009
- 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 December 29, 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

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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\011309.agenda)