

KAUAI PLANNING COMMISSION
REGULAR MEETING

RECEIVED

Tuesday, July 23, 2019

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9:00 a.m. or Soon Thereafter
Lihu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Kauai, Hawai'i

OFFICE OF
THE ATTORNEY GENERAL
JUL 17 2019

AGENDA

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA**
- D. **MINUTES of the meeting(s) of the Planning Commission**
 1. Meeting of May 28, 2019
- E. **RECEIPT OF ITEMS FOR THE RECORD**
- F. **HEARINGS AND PUBLIC COMMENT** (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.
 1. **Continued Agency Hearing**
 2. **New Agency Hearing**
 - a. Special Management Area Use Permit SMA(U)-2019-6 to construct a single-family residence on a parcel situated along the makai side of Kuhio Highway in Hanalei Town, immediately adjacent to Post Office facility, further identified as 5-5236 Kuhio Highway, Tax Map Key (4) 5-5-002:031, and containing a total land area of 13,129 sq. ft. = *Tomkri Family Holdings, LLC*.
 1. Director's Report pertaining to this matter.

F. **HEARINGS AND PUBLIC COMMENT (Cont'd)**

2. **New Agency Hearing (Cont'd)**

- b. Class IV Zoning Permit Z-IV-2019-14 and Use Permit U-2019-11 to allow operation of a commercial retail agriculture stand on a parcel situated along the western side of Kawaihau Road in Kapahi, approx. 600 ft. west of its intersection with Kaehulua Road, further identified as 5907C Kawaihau Road, Tax Map Key (4) 4-6-011:060, and containing a total land area of 2.006 acres = ***LBD Coffee, LLC.*** [Director's Report received by Commission Clerk 7/9/19.]
- c. Class IV Zoning Permit Z-IV-2019-15 and Use Permit U-2019-12 to allow operation of a commercial warehouse facility on a parcel situated along the western side of Kawaihau Road in Kapahi, approx. 600 ft. west of its intersection with Kaehulua Road, further identified as 5907C Kawaihau Road, Tax Map Key (4) 4-6-011:060, and containing a total land area of 2.006 acres = ***LBD Coffee, LLC.*** [Director's Report received by Commission Clerk 7/9/19.]

3. **Continued Public Hearing**

4. **New Public Hearing**

- a. Zoning Amendment ZA-2019-7: A bill (2741) for an ordinance amending Chapter 11A, Kauai County Code 1987, as amended, relating to Environmental Impact Assessment on Land Development. The proposal amends Section 11A-2.1 of the Kauai County Code relating to EIA exemptions = ***Kauai County Council.***

1. Director's Report pertaining to this matter.

- b. Zoning Amendment ZA-2019-8: A bill (2745) for an ordinance amending Chapter 10, Kauai County Code 1987, as amended, relating to the Lihue Town Core Urban Design District. The proposal amends Section 10-5A.7(a) of the Kauai County Code relating to generally permitted uses and structures within the Special Planning Area "D" (SPA-D), Rice Street Neighborhood Design District = ***Kauai County Council.***

1. Director's Report pertaining to this matter.

5. **All remaining public testimony pursuant to HRS 92 (Sunshine Law)**

G. **CONSENT CALENDAR**

1. **Status Reports**

2. **Director's Report for Project Scheduled for Agency Hearing on Tuesday, August 13, 2019.**

- a. Class IV Zoning Permit Z-IV-2020-1 and Use Permit U-2020-1 to construct a new branch office building and associate site improvements on property located within Kilauea Town, situated immediately across the Kilauea Post Office facility and immediately adjacent to the Kilauea Lighthouse Shopping Center,

G. CONSENT CALENDAR (Cont'd)

2. Director's Report for Project Scheduled for Agency Hearing on Tuesday, August 13, 2019. (Cont'd)

along the northern side of the Kilauea Lighthouse Road/Keneke Road intersection, further identified as Tax Map Key: 5-2-005:023, and affecting a portion of a larger parcel containing approx. 179.439 acres = *Gather Federal Credit Union*.

1. Director's Report pertaining to this matter.

H. EXECUTIVE SESSION

I. GENERAL BUSINESS MATTERS

J. COMMUNICATION (For Action)

K. COMMITTEE REPORTS

L. UNFINISHED BUSINESS (For Action)

M. NEW BUSINESS

1. For Action – See Agenda F for Project Descriptions

N. ANNOUNCEMENTS

1. Topics for Future Meetings
2. The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikcha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Hawaii 96766 on **Tuesday, August 13, 2019**.

O. ADJOURNMENT

EXECUTIVE SESSION: The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes ("H.R.S."), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR ASEGRETI@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

Pursuant to Section 8-27.8 (6) of the Kaua'i County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

July 23, 2019

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2020-1	KHS, LLC.	4-3-007:028	Kapaa	Lu'au Pavilion, Landscaping, PV Canopy Structures in Parking Lot