

**MAUI PLANNING COMMISSION  
SUMMARY MINUTES  
APRIL 9, 2019**

**([HYPERLINK TO AUDIO RECORDING OF THE MEETING](#))**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Acting Chairperson Larry Hudson at approximately 9:05 a.m., Tuesday, April 9, 2019, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

**B. ELECTION OF OFFICERS FOR THE 2018-2019 BOARD YEAR – Chair and Vice-Chair**

*(Item B1 begins at 00:00:40 of the audio recording.)*

**Chairperson**

Commissioner La Costa nominated Lawrence Carnicelli  
Commissioner Robinson nominated Steve Castro which Mr. Castro he declined  
Commissioner Castro nominated Christian Tackett.

**After taking a vote Lawrence Carnicelli was voted as Chairperson**

**Lawrence Carnicelli – (A. Hill, K. Pali, P D. La Costa, L. Carnicelli, L. Hudson)  
Christian Tackett – (S. Castro, K. Robinson, T. Gomes, C. Tackett)**

**Vice-Chairperson**

Commissioner La Costa nominated Christian Tackett.

**There being no other nominations, the Commission unanimously voted  
Christian Tackett as Vice-Chairperson.**

**C. PUBLIC HEARING**

1. LAHAINA CANNERY RETAIL OWNER L.P. requesting a Special Management Area Use Permit for the proposed Lahaina Cannery Expansion Phase 2 to include the addition of a fuel station, an 800 sq. ft. convenience store, parking, landscaping and related improvements on approximately 16 acres located at 1221 Honoapiilani Highway, Lahaina, Maui, Hawaii, TMK (2) 4-5-011:004 (SM1 2018/0007) (P. Fasi)

*(Item C1 begins at 00:07:10 of the audio recording.)*

*(Motion was made at 01:52:05 of the audio recording.)*

**It was moved by Mr. Robinson, seconded by Mr. Hudson, then**

*(Vote was taken at 01:54:25 of the audio recording.)*

**VOTED: To Defer the Special Management Area Use Permit for Additional Information as Discussed.**

**(Assenting – K. Robinson, L. Hudson S. Castro, A. Hill, K. Pali, T. Gomes, C. Tackett, P D. La Costa)**

2. MR. ALLEN T. YAP for PAYNELLA HAWAII LLC requesting a Special Management Area Use Permit for the proposed eighty-six (86) lot single-family subdivision with an approximately three (3)-acre park, seven (7)-acre drainage retention area, and all associated improvements including landscaping, roadways, sidewalks and utilities, located at Welakahao Road, Kihei, Maui, Hawaii, TMK: (2) 3-9-002:014, 116, 150 & 151 (SM1 2018/0009) (C. Thackerson)

*(Item C2 begins at 01:55:00 of the audio recording.)*

- a. NA KAHAWAI O KULA KAI, represented by its President VERNON KANANI O LA`IE KALANIKAU, submitting a Petition to Intervene dated March 25, 2019 on the above mentioned application from ALLAN T. YAP for PAYNELLA HAWAII LLC.
- 1) Action of the Petition to Intervene
  - 2) If the Commission acts to grant the Petition to Intervene, then the Commission may select a Hearing Body/Hearings Officer.
- b. If the Commission denies the Petition to Intervene, then they may take action on the application request.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH ITS ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES, PURSUANT TO SECTION 92-5(a)(4), HAWAII REVISED STATUTES.

*(Item C2.a begins at 03:02:10 of the audio recording.)*

*(Motion was made at 03:28:35 of the audio recording.)*

**It was moved by Mr. Hudson, seconded by Ms. La Costa, then**

*(Vote was taken at 03:28:54 of the audio recording.)*

**VOTED: To Go into Executive Session.**

**(Assenting – L. Hudson, P. D. La Costa, A. Hill, K. Pali, K. Robinson, T. Gomes, C. Tackett, S. Castro)**

*(Motion was made at 03:29:35 of the audio recording.)*

**It was moved by Kahu Hill, seconded by Mr. Hudson, then**

*(Vote was taken at 03:34:12 of the audio recording.)*

**VOTED: To Grant the Petition to Intervene.**

**(Assenting – A. Hill, L. Hudson, K. Pali, K. Robinson, T. Gomes,  
C. Tackett, S. Castro, P D. La Costa)**

The Commission then took up the matter of selecting a mediator and hearing officer.

*(Motion was made at 03:37:21 of the audio recording.)*

**It was moved by Mr. Robinson, seconded by Ms. La Costa, then**

*(Vote was taken at 03:37:49 of the audio recording.)*

**VOTED: To Appoint Glenn Kosaka as the Mediator and Lee Ohigashi as the  
Hearing Officer.**

**(Assenting – K. Robinson, P D. La Costa, L. Hudson, A. Hill, K. Pali,  
T. Gomes, C. Tackett, S. Castro)**

**Action on the Special Management Area Use Permit is Deferred Until the Mediation and  
Intervention is Completed.**

**Upon reconvening from their lunch break Commissioner Larry Hudson resigned effective  
immediately.**

#### **D. COMMUNICATIONS**

2. Findings of Fact, Conclusions of Law, and Order Granting Appellant Seashore Properties, LLC's Appeal, Filed October 24, 2018 from the Circuit Court of the Second Circuit, State of Hawaii, ordering the approval of a County Special Use Permit application from SEASHORE PROPERTIES, LLC for the proposed nine (9) room transient vacation rental on the property referenced as the Paia Inn located at 93 Hana Highway, TMK: (2) 2-6-002: 027, Paia, Island of Maui. (CUP 2015/0006) (CTB 2015/0009) (SMX 2015/0522) (Exhibit "A" to Hearing Officer McConnell's Report) (Maui County Planning Department's Report dated December 13, 2016) (Exhibits to Maui County Planning Department's Report)

The Circuit Court of the Second Circuit, State of Hawaii, heard the subject appeal on March 15, 2019 and ordered the matter remanded to the Commission with instruction to approve the subject application and issue the permit subject to the terms and conditions recommended in Exhibit "A" to Hearing Officer E. John McConnell's report that was presented to the Commission on September 25, 2018.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH ITS ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES, PURSUANT TO SECTION 92-5(a)(4), HAWAII REVISED STATUTES.

The Commission shall approve the application subject to the conditions.

*(Item D2 begins at 03:43:55 of the audio recording.)*

Chair Carnicelli recused himself on this matter and Vice Chair Tackett took over as chair for this portion of the meeting.

*(Motion was made at 03:47:25 of the audio recording.)*

**It was moved by Ms. La Costa, seconded by Mr. Castro, then**

*(Vote was taken at 03:47:33 of the audio recording.)*

**VOTED: To Go Into Executive Session.**

**(Assenting – P. D. La Costa, S. Castro, A. Hill, K. Pali, T. Gomes)  
(Recused – L. Carnicelli)  
(Excused – K. Robinson)**

*(Motion was made at 03:48:20 of the audio recording.)*

**It was moved by Ms. Gomes, seconded by Ms. Pali, then**

*(Vote was taken at 03:48:47 of the audio recording.)*

**VOTED: To Approve the County Special Use Permit as Ordered by the Court.**

**(Assenting – T. Gomes, K. Pali, A. Hill, S. Castro, P D. La Costa,  
C. Tackett)  
(Recused – L. Carnicelli)  
(Excused – K. Robinson)**

Chair Carnicelli resumed chairing the meeting after action was taken on Item D.2.

1. MUNEKIYO HIRAGA on behalf of MONTAGE INTERNATIONAL requesting Step I Planned Development Approval for the transfer of land use area within two parcels for the sales center and model unit and to update representations made in the original Special Management Area Use Permit, Planned Development and Shoreline Setback Variance Approvals for the Kapalua Bay Hotel Planned Development Area, located in Kapalua, Maui, Hawaii, Maui Tax Map Key Nos. (2) 4-2-004:027 (por.), (2) 4-2-004:028 (por.) (PD1 2018/0002) (SM1 2005/0001) (PD1 2005/0003) (PD2 2005/0003) and (SSV 2005/0002) (T. Furukawa)

The Commission make take action on this request.

*(Item D1 begins at 03:49:32 of the audio recording.)*

*(Motion was made at 04:20:15 of the audio recording.)*

**It was moved by Mr. Castro, seconded by Ms. Gomes, then**

*(Vote was taken at 04:22:30 of the audio recording.)*

**VOTED: To Approve the Step I Planned Development Approval for the transfer of land use area within two parcels for the sales center and model unit and to update representations made in the original Special Management Area Use Permit, Planned Development and Shoreline Setback Variance Approvals for the Kapalua Bay Hotel Planned Development Area as Recommended by the Department.**

**(Assenting – S. Castro, T. Gomes, A. Hill, K. Pali, C. Tackett,  
P D. La Costa)**

**(Excused – K. Robinson)**

## **E. DIRECTOR'S REPORT**

*(Item E begins at 04:23:00 of the audio recording.)*

1. MICHELE MCLEAN, AICP Planning Director, transmitting the following application to the Maui Planning Commission pursuant to the provisions of the Maui Planning Commission's Special management Area Rules that the following permit transfer has occurred by approval letter dated March 18, 2019.

Ms. Carol K. Reimann, Vice President on behalf of Wailea MF-7 LLC requesting a transfer of ownership of the Special Management Area (SMA) Use Permit, Planned Development Steps I, II and III for the Wailea MF-7 LLC, located at Kai Malu Drive, Wailea, Island of Maui, Hawaii; TMK: (2) 2-1-008:116 (SM1 2006/0038, PD1 2006/0004, PD2 2006/0004, PD3 2007/0004) (P. Fasi)

For notification purposes only; no action was taken.

2. SMA Minor Permit Report

This is for notification and review purposes. No action is anticipated.

3. SMA Exemptions Report

This is for notification and review purposes. No action is anticipated.

There were no questions or comments from the Commission.

4. Discussion of Future Maui Planning Commission Agendas
  - a. April 23, 2019 agenda items

Commissioner Kahu Hill announced that she will be resigning and her last meeting will be May 14, 2019.

**F. NEXT REGULAR MEETING DATE: APRIL 23, 2019**

**G. ADJOURNMENT**

The meeting was adjourned at 3:27 p.m.

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN  
Secretary to Boards and Commissions II

**RECORD OF ATTENDANCE**

**Present**

Lawrence Carnicelli, Chair  
Stephen Castro  
Tina Gomes  
Kahu Alalani Hill  
Larry Hudson (resigned from Commission at approximately 2:22 p.m.)  
P Denise La Costa  
Kellie Pali  
Keaka Robinson (excused at 1:20 p.m.)  
Christian Tackett, Vice Chair

**Others**

Michele McLean, Director, Department of Planning  
David Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel