

**MAUI PLANNING COMMISSION
ACTION MINUTES
JUNE 27, 2017**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Sandra Duvauchelle at approximately 9:03 a.m., Tuesday, June 27, 2017, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

A quorum of the Commission was present. (See Record of Attendance.)

- B. PUBLIC TESTIMONY** - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed. **Testimony will be limited to a maximum of three (3) minutes.**

Testimony at the beginning of the meeting was not taken due to the length of the agenda.

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

1. MS. SUZANNE CASE, Director, STATE DEPARTMENT OF LAND AND NATURAL RESOURCES requesting Shoreline Setback Variance for the Lahaina Small Boat Harbor Ferry Pier Improvements project to replace the existing Administration building, repair the seawall fronting the Coast Guard Lighthouse and various improvements on Wharf Street at TMK: 4-6-001: 003, 014, and 017, and Wharf Street, Lahaina, Island of Maui. (SSV 2016/0004) (K. Scott)

It was moved by Mr. Carnicelli, seconded by Mr. Hudson, then

VOTED: To Approve the Shoreline Setback Variance as Recommended by the Department.

**(Assenting – L. Carnicelli, L. Hudson, K. Robinson, P. Canto,
T. Gomes, C. Tackett, R. Higashi)**

(Excused – S. Castro)

2. NATION LAND COMPANY, LLC requesting the following entitlements for the proposed South Maui Gardens Development at Auhana Road consisting of six (6) single-story commercial buildings, plant nursery, nine (9) condominiumized single-family residences with pool/spa with associated parking lots, landscaping, and road improvements for all proposed uses located at 30 Alahahele Place, 33 and 55 Auhana Road, TMK: 3-9-003: 003, 005, and 3-9-017: 023, Kihei, Island of Maui. (C. Thackerson)
 - a. Change in Zoning from R-2 Residential District to B-2 Community Business District at TMK: 3-9-003: 003 and 005, Kihei, Island of Maui. (CIZ 2016/0002)

- b. Conditional Permit to construct and operate a 62-paved stall and 9-grassed stall parking lot for employee and tenant use and the remaining one-third will be used for public use by a charging a fee at 55 Auhana Road, TMK: 3-9-017: 023 (por.), Kihei, Island of Maui. (CP 2016/0003)
- c. Special Management Area Use Permit to construct the proposed South Maui Gardens Development of Auhana Road project, TMK: 3-9-003: 003, 005, and 3-9-017: 023, Kihei, Island of Maui. (SM1 2016/0005)

Change in Zoning

It was moved by Ms. Canto, seconded by Mr. Carnicelli, then

**VOTED: To Recommend Approval to the County Council for the Change in Zoning as Recommended by the Department.
(Assenting – P. Canto, L. Carnicelli, L. Hudson, K. Robinson,
T. Gomes, C. Tackett, R. Higashi)
(Excused – S. Castro)**

Conditional Permit

It was moved by Mr. Carnicelli, seconded by Ms. Gomes, then

**VOTED: To Recommend Approval to the County Council for the Conditional Permit as Recommended by the Department.
(Assenting – L. Carnicelli, T. Gomes, L. Hudson, P. Canto,
R. Higashi)
(Dissenting – K. Robinson, C. Tackett)
(Excused – S. Castro)**

Special Management Area Use Permit

The Commission Acknowledged the Deferral of the Special Management Area Until the County Council has Taken Action on the Change in Zoning and Conditional Permit.

- 3. MR. MARK CLINTON KYNASTON LLOYD and LIZET CHISTIENSEN requesting a Short-Term Rental Home Permit in order to operate the Moku Hale Short-Term Rental, a 4-bedroom short-term rental home located in the R-3 Residential District at 63 Loio Place, TMK: 2-6-004: 019, Paia, Island of Maui. (STPH T2017/0003) (G. Flammer)

The subject application is being brought to the Maui Planning Commission for review because there are at least 2 permitted short-term rental home operations located within 500 ft. of the subject property.

It was moved by Mr. Carnicelli, seconded by Mr. Higashi, then

VOTED: To Approve the Short-Term Home Rental Permit as Recommended by the Department.
(Assenting – L. Carnicelli, R. Higashi, L. Hudson-abstained, P. Canto, T. Gomes, C. Tackett)
(Dissenting – K. Robinson)
(Excused – S. Castro)

4. MR. MICHAEL TENKOFF requesting a Short-Term Rental Home Permit in order to operate the Kalapu Beach House, a 4-bedroom short-term rental home located in the R-3 Residential District at 161 Kalapu Drive, TMK: 4-4-006: 018, Kaanapali, Lahaina, Island of Maui. (STWM T2017/0003) (L. Callentine)

The subject application is being brought to the Maui Planning Commission for review because there are at least 2 permitted short-term rental home operations located within 500 ft. of the subject property.

It was moved by Mr. Carnicelli, seconded by Mr. Higashi, then

VOTED: To Approve the Short-Term Rental Home Permit as Recommended by the Department.
(Assenting – L. Carnicelli, R. Higashi, K. Robinson, P. Canto, L. Hudson-abstained, T. Gomes-abstained, C. Tackett-abstained)
(Excused – S. Castro)

5. MS. KATHY DAVEY requesting a State Land Use Commission Special Permit and a Bed and Breakfast Home Permit in order to operate the Kaanapali Coffee Cottage, a 2-bedroom bed and breakfast home in the State Agricultural District at 2950 Aina Mahaia Place, TMK: 4-4-020: 052, Kaanapali, Lahaina, Island of Maui. (SUP2 2017/0006) (BBWM T2017/0002) (T. Furukawa)
 - a. ISAAC HALL, attorney on behalf of JACK and LYNN MUEGGE, MENEHUNE VENTURES, LLC, WORTHY CLAY SCOTT, and MARY JACQUELINE SCHEIBEL submitting a Petition to Intervene dated June 13, 2017 on the above mentioned applications from KATHY DAVEY.
 - 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 action on the application requests.

It was moved by Ms. Canto, seconded by Mr. Hudson, and

The Motion to Deny the Petition to Intervene FAILED.
(Assenting – P. Canto, L. Carnicelli, L. Hudson, C. Tackett)
(Dissenting – K. Robinson, T. Gomes, R. Higashi, S. Duvauchelle)
(Excused – S. Castro)

It was then moved by Mr. Robinson, seconded by Ms. Gomes, and

The Motion to Allow the Petition to Intervene FAILED.
(Assenting – K. Robinson, T. Gomes, R. Higashi, S. Duvauchelle)
(Dissenting – P. Canto, L. Carnicelli, L. Hudson, C. Tackett)
(Excused – S. Castro)

The motion made by Mr. Robinson and seconded by Mr. Hudson to defer the matter was tabled when a motion was made and voted on to go into executive session.

The Commission then went into Executive Session.

Mr. Robinson and Mr. Hudson then withdrew their motion and second to defer the matter.

It was then moved by Mr. Robinson, seconded by Ms. Gomes, then

VOTED: To Accept the Petition to Intervene.
(Assenting – K. Robinson, T. Gomes, C. Tackett, R. Higashi,
S. Duvauchelle)
(Dissenting – P. Canto, L. Carnicelli, L. Hudson)
(Excused – S. Castro)

Matter was deferred in order to get a list of potential mediators/hearing officers for the mediation and contested case procedures.

- 6. MS. SHANNAN KAURIN and MR. JOSH METZLER requesting a State Land Use Commission Special Use Permit in order to operate the North Shore Lookout Bed and Breakfast, a 5-bedroom bed and breakfast located in the State Agricultural District at 121 Kahakapao Road, TMK: 2-4-013: 152, Makawao, Island of Maui. (SUP2 2016/0012) (R. Quigless)

It was moved by Mr. Hudson, seconded by Ms. Canto, then

VOTED: To Approve the State Land Use Commission Special Use Permit as Recommended by the Department.
(Assenting – L. Hudson, P. Canto, L. Carnicelli, K. Robinson, T. Gomes, C. Tackett, R. Higashi)
(Excused – S. Castro)

D. COMMUNICATIONS

1. REDOLYN MIGUEL of MAUI EVANGELICAL CHURCH requesting a 15-year time extension and transfer of permit ownership to KAMAAINA KIDS on the County Special Use Permit in order to continue operating a preschool at the Maui Evangelical Church site located at 256 Hina Avenue, Kahului, Maui, Hawaii, TMK: (2) 3-8-048:032 (CUP 83/0002) (C. Thackerson)

The Commission may take action on these requests.

It was moved by Ms. Canto, seconded by Mr. Robinson, then

VOTED: To Approve the Time Extension and Transfer of Permit Ownership of the County Special Use Permit to Kamaaina Kids as Recommended by the Department.
(Assenting – P. Canto, K. Robinson, L. Carnicelli, L. Hudson, T. Gomes, C. Tackett)
(Excused – S. Castro, R. Higashi)

E. ACCEPTANCE OF THE ACTION MINUTES OF THE JUNE 13, 2017 MEETING AND REGULAR MINUTES OF THE SEPTEMBER 13, 2016 MEETING AND PORTION OF THE REGULAR MINUTES OF THE MARCH 14, 2017 MEETING (ITEMS A, B, C-1)

It was moved by Mr. Carnicelli, seconded by Ms. Gomes, then

VOTED: To Accept the Action Minutes of the June 13, 2017 Meeting and the Regular Minutes of the September 13, 2016 Meeting and Portion of the Minutes of the March 14, 2017 Meeting (Items A, B, and C-1).
(Assenting – L. Carnicelli, T. Gomes, K. Robinson, L. Hudson, P. Canto, C. Tackett, R. Higashi)
(Excused – S. Castro)

F. DIRECTOR'S REPORT

1. SMA Minor Permit Report
2. SMA Exemptions Report

Commission had no comments or questions on the SMA Minor and SMA Exemptions Reports.

3. Discussion of Future Maui Planning Commission Agendas
 - a. July 11, 2017 agenda items

Ms. McLean went over the items scheduled for the July 11, 2017 meeting.

G. NEXT REGULAR MEETING DATE: JULY 11, 2017

H. ADJOURNMENT

The meeting was adjourned at approximately 4:00 p.m.

Submitted by,

Carolyn Takayama-Corden
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE

Present

Pua Canto
Lawrence Carnicelli
Sandy Duvauchelle, Chairperson
Tina Gomes
Richard Higashi, Vice Chairperson
Larry Hudson
Keaka Robinson
Christian Tackett

Excused

Steven Castro

Others

Will Spence, Director, Planning Department (excused at 3:45 p.m.)
Michele McLean, Deputy Director, Planning Department (in attendance at 3:45 p.m.)
James Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works