

**MAUI PLANNING COMMISSION
ACTION MINUTES
OCTOBER 24, 2017**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Sandra Duvauchelle at approximately 9:23 a.m., Tuesday, October 24, 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 - Public testimony will be taken when each agenda item is discussed. **Testimony will be limited to a maximum of three (3) minutes.**

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

1. MR. WILLIAM SPENCE, Planning Director, transmitting two proposed bills relating to zoning maps and districts, respectively described as follows:
 - 1) A proposed bill titled "A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI." The purpose of the proposed bill is to adopt a digital zoning map for the Island of Maui.
 - 2) A proposed bill titled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO ZONING DISTRICTS AND MAPS." The purpose of the proposed bill is to establish updated County policy on determining boundaries for zoning districts. The bill also provides an updated list of zoning districts. (D. Raatz)

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

VOTED: To Recommend Approval of the Two Proposed Bills to the County Council.
(Assenting – L. Carnicelli, L. Hudson, K. Robinson, C. Tackett, R. Higashi)
(Excused – T. Gomes, S. Castro)

2. VINTAGE RENTALS, LLC requesting a Community Plan Amendment from Single-Family Residential to Business/Commercial and a Change in Zoning from R-1 Residential District to B-CT Country Town Business District for the Paia Trade Center project, the proposed renovation of an existing single-family to a commercial building located at 150 Luna Place, TMK: 2-6-005: 005, Paia, Island of Maui. (CPA 2016/0002) (CIZ 2016/0001) (C. Thackerson)

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

The Motion to Recommend Approval of the Community Plan Amendment and Change in Zoning to the County Council, FAILED.

**(Assenting – L. Carnicelli, R. Higashi)
(Dissenting – L. Hudson, K. Robinson, C. Tackett)
(Excused – T. Gomes, S. Castro)**

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

The Motion to Recommend Denial of the Community Plan Amendment and Change in Zoning to the County Council, FAILED.

**(Assenting – L. Carnicelli, L. Hudson, K. Robinson, C. Tackett)
(Dissenting – R. Higashi, S. Duvauchelle)
(Excused – T. Gomes, S. Castro)**

A final motion was then made:

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

**VOTED: That No Recommendation Be Made to the County Council on the Community Plan Amendment and Change in Zoning.
(Assenting – L. Hudson, L. Carnicelli, K. Robinson, C. Tackett, R. Higashi)
(Excused – T. Gomes, S. Castro)**

3. MR. CHRIS BOLTE and MR. GARY BOLTE requesting a Short-Term Rental Home Permit in order to operate the Huaka Mahina STRH, a four (4)-bedroom short-term rental home located in the Urban District at 2773 Kolepa Place, TMK: 4-4-006:039, Lahaina, Island of Maui, Hawaii (STWM T2017/0010) (L. Callentine)

This application is being reviewed by the Commission because there are at least two (2) permitted short-term rental operations located within 500 ft. of the subject property.

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

The Motion to Approve the Short-Term Rental Home Permit, FAILED.

**(Assenting – R. Higashi, L. Carnicelli, L. Hudson)
(Dissenting – K. Robinson, C. Tackett)
(Excused – T. Gomes, S. Castro)**

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

VOTED: To Defer the Matter for Additional Information from the Applicant and Have Additional Commission Members Present.
(Assenting – L. Carnicelli, L. Hudson, K. Robinson, C. Tackett, S. Duvauchelle)
(Dissenting - R. Higashi)
(Excused – T. Gomes, S. Castro)

4. MR. MICHAEL F. MARQUARD, MR. MILTON A. MARQUARD, JR. and MR. MICHAEL P. MARQUARD requesting a Short-Term-Rental Home Permit in order to operate Alexandra's at Front Street, a four (4)-bedroom short-term rental home located in the R-2 Residential District at 972 Front Street, TMK: 4-5-002: 004, Lahaina, Island of Maui. (STWM T2017/0019) (T. Furukawa)

This application is being reviewed by the Commission because there are at least two (2) permitted short-term rental operations located within 500 ft. of the subject property.

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

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

D. COMMUNICATIONS

1. MS. MARY ANN SCHOBBER of LEGACY ASSETS, LLC requesting an amendment to Condition No. 8 of the State Land Use Commission Special Permit for the Pacific View Short-Term Rental Home to allow for the use of accessory dwelling for short-term rental use in the State Agricultural District at 78 N. Lauhoe Place, TMK: 4-7-012: 013, Lahaina, Island of Maui. (SUP2 2016/0004) (STWM 2016/0003) (T. Furukawa)

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

VOTED: To Approve the Amendment to Condition No. 8 of the Short-Term Home Rental Permit as Recommended by the Department.
(Assenting – R. Higashi, S. Duvauchelle, L. Carnicelli - Abstained, L. Hudson - Abstained, C. Tackett - Abstained)
(Excused – T. Gomes, S. Castro, K. Robinson)

2. MR. GALE NOTESTONE, Chair of the Hana Advisory Committee to the Maui Planning Commission transmitting the Committee's recommendations on the request by MS. BRIANNA EVERETT for an amendment to her Land Use Commission Special Permit in order to operate the Hana's Tradewind Cottages, a short-term rental home consisting of two (2) two-bedroom farm dwellings located on approximately 2.164 acres of land in the State Agricultural District at 143 Alaha Place, TMK: 1-3-009: 107, Hana, Island of Maui. (SUP2 2012/0034) (R. Quigless)

The applicant currently has land use approvals to operate a bed and breakfast home at the site.

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

VOTED: To Approve Amendment to the Land Use Commission Special Permit in Order to Operation as a Short-Term Home Rental Permit as Recommended by the Hana Advisory Committee and the Department.
(Assenting – R. Higashi, L. Carnicelli, L. Hudson, C. Tackett, S. Duvauchelle)
(Excused – T. Gomes, S. Castro, K. Robinson)

E. UNFINISHED BUSINESS

1. Proposed Settlement Agreement between the COUNTY OF MAUI and the ASSOCIATION OF APARTMENT OWNERS OF MAHINAHINA BEACH for the construction of barbecue grills, a stairway, a trellis, electrical lights, switches and wiring, an eating area, and a seawall within the Special Management Area (SMA) and Shoreline Setback Area (SSA) without first receiving permit for such improvements on property situated at 4007 Lower Honoapiilani Road, TMK: 4-3-008: 001, Mahinahina, Lahaina, Island of Maui. (Deferred at the April 25, 2017 meeting.)
 - a. SMA Notices of Violations issued as follows: NOV 20150063 (Electrical), NOV 20150065 (Stairway), NOV 20150068 (Trellis), NOV 20150070 (Barbecue grills), NOV 20150071 (Seawalls), and NOV 20150073 (Eating Area)
 - b. SSA Notices of Violation issued as follows: NOV 20150064 (Electrical), NOV 20150066 (Stairway), NOV 20150068 (Trellis), NOV 20150070 (Barbecue grills), NOV 20150072 (seawalls)

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

The Commission may take final action on the proposed Settlement Agreement pursuant to the provisions of Section 12-202-23(d)(3) of the Maui Planning Commission's Special Management Area Rules.

Matter was deferred to a later date at the request of the applicant's counsel not being available.

F. ACCEPTANCE OF THE ACTION MINUTES OF THE OCTOBER 10, 2017 MINUTES AND PORTION OF THE REGULAR MINUTES OF THE SEPTEMBER 26, 2017 MEETING – ITEM C-1.

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

**VOTED: To Accept the Action Minutes of the October 10, 2017 Meeting and Portion of the Regular Minutes of the September 26, 2017 Meeting-Item C-1.
(Assenting – L. Carnicelli, R. Higashi, L. Hudson,
C. Tackett–Abstained, S. Duvauchelle)
(Excused – T. Gomes, S. Castro, K. Robinson)**

G. DIRECTOR'S REPORT

1. Notification of September 27, 2017 Special Management Area (SMA) Use Permit and Shoreline Setback Variance (SSV) transfer approval letter from JAMES AGYROPOULUS to MAUI CAMELOT LLC in order to construct a hybrid revetment retaining wall fronting the shoreline at 475 Hana Highway, TMK: 2-6-009: 005, Kuau, Island of Maui. (SM1 2013/0015) (SSV 2013/0003) (J. Buika)

For the Commission's information only.

2. SMA Minor Permit Report
3. SMA Exemptions Report

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

4. Discussion of Future Maui Planning Commission Agendas
 - a. November 14, 2017 agenda items

Mr. Spence went over the items scheduled for the November 14, 2017 meeting.

H. NEXT REGULAR MEETING DATE: November 14, 2017

I. ADJOURNMENT

The meeting was adjourned at approximately 2:30 p.m.

Submitted by,

Carolyn Takayama-Corden
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE

Present

Lawrence Carnicelli
Sandy Duvauchelle, Chairperson
Richard Higashi, Vice Chairperson
Larry Hudson
Keaka Robinson (excused at 12:00 p.m.)
Christian Tackett

Excused

Tina Gomes
Steven Castro

Others

William Spence, Director, Planning Department
David Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works (on-call)