

**MAUI PLANNING COMMISSION  
ACTION MINUTES  
NOVEMBER 14, 2017**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Sandra Duvauchelle at approximately 9:07 a.m., Tuesday, November 14, 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. JAMES D. WALTERS, JR. and MS. NATALIE WALTERS requesting a State Land Use Commission Special Permit and Bed and Breakfast Home Permit in order to operate the Hale Leialoha B&B, a two (2)-bedroom bed and breakfast home located in the State Agricultural District at 1539 Hogback Road, TMK: 2-7-012:202, Haiku, Island of Maui, Hawaii (SUP2 2017/0010) (BBPH T2017/0005) (K. Wollenhaupt for L. Callentine)

The Maui Planning Commission is the approving authority for the Bed and Breakfast Home Permit because "an existing bed and breakfast home is operating on a lot within a five hundred-foot distance from the lot on which the bed and breakfast home is proposed." §19.64.050(A)3(c), Maui County Code.

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

**VOTED: To Approve the State Land Use Commission Special Permit and Bed and Breakfast Home Permit as Recommended by the Department as Amended with the Additional Condition on the State Land Use Commission Special Permit that Bulls Not Be Allowed On the Property While the Bed and Breakfast is in Operation.**  
**(Assenting – L. Carnicelli, R. Higashi, L. Hudson, K. Robinson, S. Castro, C. Tackett)**  
**(Excused – T. Gomes)**

2. MS. KANZA STOTT requesting a State Land Use Commission Special Permit in order to operate the Stott B&B, a three (3)-bedroom bed and breakfast located in the State Agricultural District at 195 Apuwai Street, TMK: 2-7-036: 016, Haiku, Island of Maui. (SUP2 2017/0014) (K. Willenbrink)

**It was moved by Mr. Carnicelli, seconded by Mr. Castro, and**

**The Motion to Approve the State Land Use Commission Special Permit, FAILED.**

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

After the recess Chair Duvauchelle made a motion for reconsideration which was seconded by Mr. Carnicelli:

**It was then moved by Ms. Duvauchelle, seconded by Mr. Carnicelli, and**

**The Motion for Reconsideration was Approved.  
(Assenting – S. Duvauchelle, L. Carnicelli, C. Tackett, S. Castro,  
R. Higashi)  
(Dissenting – K. Robinson, L. Hudson)  
(Excused – T. Gomes)**

After discussion:

**It was moved by Mr. Carnicelli, seconded by Mr. Castro, then**

**VOTED: To Defer the Matter Up to 45 Days for the Applicant to Work with the  
Opposing Neighbors and After the 45 Days to be Brought Back  
Before the Commission.  
(Assenting – L. Carnicelli, S. Castro, C. Tackett, R. Higashi,  
S. Duvauchelle)  
(Dissenting – K. Robinson, L. Hudson)  
(Excused – T. Gomes)**

#### **D. COMMUNICATIONS**

1. ATC MAKENA HOLDINGS, LLC requesting amendments to the approved Special Management Area Use Permit plans for the Makena H-M Project at 5400 Makena Alanui Road, TMK: 2-1-005: 086 (por.), Makena, Island of Maui. (SM1 2013/0013) (A. Cua)

The proposed amendment is to pursue a lower density development alternative including the demolition of the existing 310 room hotel structure which was previously planned to be converted into 50 multi-family condominium units as well as other related modifications.

The Commission may take action on this request.

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

**VOTED: To Approve the Amendments to the Approved Special Management  
Area Use Permit as Recommended by the Department as Amended  
by the Commission for the Additional Parking and Signage.**

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

2. SUZIE L. LAURICIO requesting a ten (10)-year Special Management Area Use Permit time extension to initiate construction and a 30-year time extension on the County Special Use Permit for the Iglesia Ni Cristo Church at TMK: 4-5-014: 009, Lahaina, Island of Maui. (SM1 2008/0025) (CUP 2008/0006) (P. Fasi)

**It was moved by Mr. Higashi, seconded by Mr. Castro, and**

**The Motion to Approve the 10-Year Special Management Area Use Permit Time Extension and 30-Year County Special Use Permit Time Extension, FAILED.**  
**(Assenting – R. Higashi, S. Castro, C. Tackett)**  
**(Dissenting – K. Robinson)**  
**(Excused – T. Gomes, L. Hudson, L. Carnicelli)**

**It was then moved by Mr. Robinson to Approve with a 5-Year Time Extension for the Special Management Area Use Permit and 10-Year Time Extension for the County Special Use Permit, and the motion died due to a lack of a second.**

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

**VOTED: To Approve with a 6-Year Special Management Area Use Permit Time Extension and 20-Year County Special Use Permit Time Extension and Other Changes as Recommended by Staff.**  
**(Assenting – K. Robinson, R. Higashi, C. Tackett, S. Castro,  
S. Duvauchelle)**  
**(Excused – T. Gomes)**

3. MAUI BEACH RESORT LIMITED PARTNERS submitting an annual report regarding the disbursement of funds in the Settlement Agreement for the Special Management Area Use Permit and the Step 2 Planned Development Approval for the proposed Honua Kai Resort, North Beach Park, and related improvements at TMK: 4-4-014: 006 and 008 and 4-4-001: 010, Kaanapali, Island of Maui. (SM1 2004/0017) (PD2 2004/0005) (C. Thackerson)

Condition No. 32 of the SMA approval (SM1 2004/0017) states:

That an annual report shall be filed with the Maui Planning Commission on the disbursement of the funds in the Settlement Agreements for their information.

**The Commission asked that a letter be written to West Maui Preservation Association asking them for an overview of the funds received either in writing or in person at a future meeting.**

**Corporation Counsel will research and review the original 2004 approval and get back to the Commission regarding the condition.**

4. Investigative Committee (Commissioners Carnicelli and Hudson's) Report on the following:

MR. WILLIAM SPENCE, 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 process the following time extension requests administratively:

MR. ALFRED FAIRBANKS requesting a Special Management Area Use Permit two (2)-year time extension to initiate construction of the Alahele Estates Subdivision a 46-lot single family subdivision with related improvements at 0 Alahele Place, TMK: 3-9-017: 034, Kihei, Island of Maui. (SM1 2007/0006) (J. Buika)

The Investigative Committee was created at the October 10, 2017 meeting.

**Commissioner Carnicelli reported that after visiting the site he felt the drainage capacity was more than adequate and that it would actually make the drainage problem in the neighborhood better. Commissioners Carnicelli and Hudson recommended that the Commission waive their right to review the time extension request. Director Spence noted it would be placed on an agenda for the Commission to take action on it.**

#### **E. UNFINISHED BUSINESS**

1. Mr. Alan Berman requesting a State Land Use Commission Special Permit in order to use two farm dwellings with a total of five (5) bedrooms to operate a Short-Term Rental Home (STRH) in the State Agricultural District on approximately 2.058 acres of land located at 680 Kai Hele Ku Street, TMK: 4-7-010:063 (0001) and (0002), Lahaina, Island of Maui, (SUP2 2017/0007) (K. Wollenhaupt) (Public hearing was conducted on August 8, 2017.)

The 120-day deadline for the Commission to make a decision is December 6, 2017

The Commission may take action on this request.

**It was moved by Mr. Castro, seconded by Mr. Higashi, and**

**The Motion to Approve the State Land Use Commission Special Permit, FAILED.**  
**(Assenting – S. Castro, R. Higashi, C. Tackett, S. Duvauchelle)**  
**(Dissenting – K. Robinson)**  
**(Excused – T. Gomes, L. Carnicelli, L. Hudson)**

It was then moved by Mr. Robinson, seconded by Mr. Higashi, and

**The Motion to Deny the State Land Use Commission Special Permit, FAILED.**  
**(Assenting – K. Robinson, S. Castro - Abstained, R. Higashi - Abstained,**  
**C. Tackett - Abstained)**  
**(Dissenting – S. Duvauchelle)**  
**(Excused – T. Gomes, L. Carnicelli, L. Hudson)**

It was then moved by Mr. Higashi to Defer the Matter until additional members are present, and the motion died due to a lack of a second.

Corporation Counsel indicated the Commission does not have any motion that's going to pass with a majority and any action by the body requires a vote of the majority of the members to which the body is entitled being nine members to which the Planning Commission entitled it requires five affirmative votes for any action to take place so no action is taken on this item.

Mr. Wollenhaupt noted for the record that once the 120-day rule is achieved, the Department will be writing a letter of approval to which Corporation Counsel confirmed.

**F. ACCEPTANCE OF THE ACTION MINUTES OF THE OCTOBER 24, 2017 MEETING AND REGULAR MINUTES OF THE SEPTEMBER 26, 2017 AND OCTOBER 10, 2017 MEETINGS**

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

**VOTED: To Accept the Action Minutes of the October 24, 2017 Meeting and Regular Minutes of the September 26, 2017 and October 10, 2017 Meetings.**  
**(Assenting – R. Higashi, K. Robinson, C. Tackett, S. Castro, S. Duvauchelle)**  
**(Excused – T. Gomes, L. Carnicelli, L. Hudson)**

**G. DIRECTOR'S REPORT**

1. MR. WILLIAM SPENCE, 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 process the following time extension requests administratively:

- a. MR. GRANT Y.M. CHUN of WAILEA MF-7 LLC requesting a two (2)-year Special Management Area Use Permit time extension to initiate construction of the Wailea MF-7 Multi-Family Residential Project at Kai Malu Drive, TMK: 2-1-008: 116, Wailea, Island of Maui. (SM1 2006/0038) (PD1 (2006/0004) (PD3 2007/0004) (P. Fasi)

The Commission is being asked to waive or not waive its review.

The Commission may take action on this request.

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

**VOTED: To Waive Its Review of the Time Extension Request.  
(Assenting – K. Robinson, R. Higashi, C. Tackett, S. Castro,  
S. Duvauchelle)  
(Excused – T. Gomes, L. Carnicelli, L. Hudson)**

- b. MP VENTURE, LLC requesting a 2-year time extension on the Special Management Area Use Permit condition to complete construction and for non-substantive design changes for the Maui Palms Hotel Redevelopment Project at TMK: 3-7-003:007:0002, Kahului, Island of Maui. (SM1 2001/0012) (C. Thackerson)

The Commission is being asked to waive or not waive its review.

The Commission may take action on this request.

**It was moved by Mr. Higashi, seconded by Mr. Castro, then**

**VOTED: To Waive Its Review of the Time Extension Request.  
(Assenting – R. Higashi, S. Castro, K. Robinson, C. Tackett,  
S. Duvauchelle)  
(Excused – T. Gomes, L. Carnicelli, L. Hudson)**

2. Native Hawaiian Law Workshop - December 9, 2017

**The workshop has been canceled and will be rescheduled to a future date.**

3. SMA Minor Permit Report
4. SMA Exemptions Report

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

**VOTED: To Accept the SMA Minor and SMA Exemption Reports.  
(Assenting – S. Castro, K. Robinson, C. Tackett, R. Higashi,  
S. Duvauchelle)**

**(Excused – T. Gomes, L. Carnicelli, L. Hudson)**

5. Discussion of Future Maui Planning Commission Agendas
  - a. November 28, 2017 agenda items

Mr. Yoshida went over the items scheduled for the November 28, 2017 agenda.

**H. NEXT REGULAR MEETING DATE: November 28, 2017**

**I. ADJOURNMENT**

The meeting was adjourned at approximately 3:30 p.m.

Submitted by,

Carolyn Takayama-Corden  
Secretary to Boards & Commissions II

**RECORD OF ATTENDANCE**

**Present**

Lawrence Carnicelli (excused at 12:30 p.m.)  
Sandy Duvauchelle, Chairperson  
Richard Higashi, Vice Chairperson  
Larry Hudson (excused at 12:30 p.m.)  
Keaka Robinson  
Steven Castro  
Christian Tackett

**Excused**

Tina Gomes

**Others**

William Spence, Director, Planning Department (excused at 12:30 p.m.)  
Clayton Yoshida, Planning Program Administrator, Planning Department (in attendance at 1:30 p.m.)  
David Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel  
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works (excused at 12:00 p.m.)  
David Goode, Director, Department of Public Works (in attendance at 1:30 p.m.)