

**MAUI PLANNING COMMISSION
ACTION MINUTES
APRIL 24, 2018**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Richard Higashi at approximately 9:05 a.m., Tuesday, April 24, 2018, 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.)

Chairperson Higashi announced he is resigning effective immediately. A recess was called and Vice-Chair Robinson reconvened the meeting.

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. ORIENTATION WORKSHOP NO. 2

1. Special Management Area Rules and Shoreline Setback Rules
2. Managing Maui's Shorelines
3. Flood Hazards
4. County's Policy Against Discrimination
5. Update of the General Plan – Long Range Division and Plan Implementation

Presentations were made by the Planning Department Staff.

D. PUBLIC HEARINGS (To begin at 1:00 p.m. or soon thereafter.) (Action to be taken after each public hearing.)

1. MR. WILLIAM SPENCE, Planning Director transmitting proposed amendments to Chapter 19.35 of the Maui County Code relating to Accessory ("Ohana") Dwellings (M. McLean and D. Raatz)

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

**VOTED: To Recommend Approval of the Proposed Amendments to Chapter 19.35 of the MCC relating to Accessory Dwellings to the County Council as Recommended by the Department, as Amended.
(Assenting – L. Carnicelli, L. Hudson, A. Hill, C. Tackett,
K. Robinson)
(Excused – P.D. La Costa, T. Gomes, S. Castro)**

2. MR. WILLIAM SPENCE, Planning Director transmitting proposed amendments to Chapter 19.36A of the Maui County Code relating to the Off-Street Parking and Loading Ordinance (M. McLean and D. Raatz)

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

VOTED: To Recommend Approval of the Proposed Amendments to Chapter 19.36A of the MCC relating to the Off-Street Parking and Loading Ordinance to the County Council as Recommended by the Department.
(Assenting – L. Hudson, A. Hill, L. Carnicelli, C. Tackett, K. Robinson)
(Excused – P.D. La Costa, T. Gomes, S. Castro)

F. COMMUNICATIONS

1. MR. GALE NOTESTONE, Chair of the Hana Advisory Committee to the Maui Planning Commission transmitting: the Committee's recommendations on the request from ROBERT HOREN and WENDY HOREN for a State Land Use Commission Special Permit in order to operate Hale Nanea, a 2-bedroom Short-Term Rental Home located in the State Agricultural District at 5440 Hana Highway, TMK: 1-4-003: 051, Hana, Island of Maui. (SUP2 2017/0016) (R. Quigless)

The Commission may take action on this request.

It was moved by Mr. Carnicelli, seconded by Kahu Hill, then

VOTED: To Approve the State Land Use Commission Special Permit as Recommended by the Hana Advisory Committee and Department.
(Assenting – L. Carnicelli, A. Hill, L. Hudson, C. Tackett, K. Robinson)
(Excused – P.D. La Costa, T. Gomes, S. Castro)

Due to the Commission losing quorum at 4:00 p.m., items were taken out of order before taking up Item F-2.

G. ADOPTION OF WRITTEN DECISION AND ORDER

1. Having voted at its June 13, 2017 meeting to deny the request by MR. GAL COHEN for a Short-Term Rental Home Permit for the Halama Beach Villa, a 3-bedroom short-term rental home located in the R-3 Residential District at 1543 Halama Street, TMK: 3-9-010: 031, Kihei, Island of Maui. (STKM T2017/0002) (T. Furukawa)

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

The Commission may take action to adopt, adopt with modifications, or take some other action regarding the proposed Findings of Fact, Conclusions of Law, and Decision and Order.

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

VOTED: To Adopt the Decision and Order.
(Assenting – L. Carnicelli, L. Hudson, A. Hill, C. Tackett,
K. Robinson)
(Excused – P.D. La Costa, T. Gomes, S. Castro)

H. DIRECTOR'S REPORT

1. MR. WILLIAM SPENCE, Planning Director, notifying the Maui Planning Commission pursuant to Commission's SMA Rules of the following Special Management Area (SMA) Emergency Permit:

MR. MICHAEL R. BURR, General Manager of the MAUI KAI RESORT obtaining a Special Management Area Emergency Permit by letter dated March 29, 2018 to implement temporary measures to address significant subsidence on the makai lanai for property located at 106 Kaanapali Shores Place, TMK: (2) 4-4-001: 100, Kaanapali, Lahaina, Island of Maui. (SM3 2018/0007) (K. Scott)

This is for notification and review purposes.

The Commission had no questions or comments.

F. COMMUNICATIONS

2. CHRIS HART & PARTNERS on behalf of WAILEA LAND CORPORATION requesting a Planned Development Step III approval for the proposed Makalii at Wailea (Wailea MF-15) Multi-Family Development at the corner of Wailea Alanui Drive and Kaukahi Street at TMK: (2) 2-1-008: 120, Wailea, Island of Maui. (PD3 2018/0002) (SM1 2013/0016) (PD1 2013/0004) (PD2 2013/0004) (T. Furukawa)

The Commission previously reviewed this application at its April 10, 2018 meeting and decided not waive its review and review the request.

The Commission may take action on the application.

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

The Motion to Approve the Planned Development Step III, FAILED.
(Assenting – L. Carnicelli, L. Hudson, A. Hill)
(Dissenting – C. Tackett)
(Excused – P.D. La Costa, T. Gomes, S. Castro)

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

**VOTED: To Defer the Matter in Order for Commissioner Tackett to Review and Compare the Step II and Step III Plans.
(Assenting – L. Carnicelli, L. Hudson, A. Hill, C. Tackett,
K. Robinson)
(Excused – P.D. La Costa, T. Gomes, S. Castro)**

The remainder of the agenda items were not taken up as the Commission lost quorum at 4:04 p.m.

E. UNFINISHED BUSINESS

1. PETER LORD and LISA LORD requesting a State Land Use Commission Special Permit in order to operate the Aloha Spirit Maui Short-Term Rental Home, a two (2)-bedroom short-term rental home located in the State Agricultural District at 915 Kai Hele Ku Street #B, TMK: 4-7-010: 026-0002, Launiupoko, Lahaina, Island of Maui. (SUP2 2017/0015) (K. Willenbrink) (Public hearing conducted on January 9, 2018.)

The Commission may take action on this request. The 120-day deadline to take action on the request is May 9, 2018.

H. DIRECTOR'S REPORT

2. SMA Minor Permit Report
3. SMA Exemptions Report
4. Discussion of Future Maui Planning Commission Agendas
 - a. May 8, 2018 agenda items

I. NEXT REGULAR MEETING DATE: MAY 8, 2018

J. ADJOURNMENT

Commission lost quorum at 4:04 p.m.

Submitted by,

Carolyn Takayama-Corden
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE

Present

Lawrence Carnicelli

Kahu Alalani Hill

Richard Higashi, Chairperson (Resigned – left meeting at 9:18 a.m.)

Larry Hudson

Keaka Robinson

Christian Tackett

Excused

Steven Castro

Tina Gomes

P.Denise La Costa

Others

William Spence, Director, Planning Department

David Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel