

**MAUI PLANNING COMMISSION  
SUMMARY MINUTES  
DECEMBER 11, 2018**

**(HYPERLINK TO AUDIO RECORDING OF THE MEETING)**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Vice-Chairperson Larry Hudson at approximately 9:00 a.m., Tuesday, November 27, 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.)

**B. Resolution thanking Michele Chouteau McLean for her 7.5 years of service as Deputy Planning Director and her current 6 months of service as Planning Director.**

Mr. Hudson read the Resolution into the record.

**C. UNFINISHED BUSINESS**

1. MR. DAVID PYLE of THE KRAUSE COMPANIES INC. requesting a Special Management Area (SMA) Use Permit six (6)-year time extension to initiate construction of the Downtown Kihei project and related improvements at TMK: (2) 3-9-002: 030, 076, 080, and 158, Kihei, Island of Maui. (SM1 2012/0006) (C. Thackerson) (Deferred at the August 28, 2018 meeting and rescheduled from the September 25, 2018 meeting.)

The Commission previously voted not to waive its review of a two (2)-year SMA time extension request to initiate project construction at its meeting in May 2018.

The Commission may take action on the current six (6)-year time extension request.

*(Item C 1 begins at 00:5:48 of the audio recording.)*

*(Motion was made at 00:16:20 of the audio recording.)*

**It was moved by Mr. Tackett, seconded by Ms. Pali, then**

*(Vote was taken at 00:17:40 of the audio recording.)*

**VOTED: To Approve the Special Management Area Use Permit Six-Year Time Extension, as Recommended by the Department.**

**(Assenting – C. Tackett, K. Pali, L. Carnicelli, S. Castro,  
P D. La Costa)**

**(Excused – A. Hill, K. Robinson, T. Gomes)**

**D. COMMUNICATIONS**

1. MR. WILLIAM BEATON of KUPONO PARTNERS requesting an amendment to Condition No. 7 of a Special Management Area Use Permi to extend the time to complete construction from February 2, 2020 to December 31, 2027 for the Maui Bay Villas Redevelopment Project (formerly the Maui Lu Project) consisting of 388 time share units, main lobby, beach club, pool, pool bar, clubhouse, 12 beach parking stalls, landscaping, beach nourishment, and related improvements on approximately 27.282 acres of land at TMK: (2) 3-9-001: 086 (formerly known as (2) 3-9-001: 083, 086, and 120), Kihei, Island of Maui. (SM1 2003/0021) (A. Cua)

The Commission may take action on this request.

*(Item D 1 begins at 00:17:57 of the audio recording.)*

*(Motion was made at 01:08:20 of the audio recording.)*

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

*(Vote was taken at 01:11:28of the audio recording.)*

**VOTED: To Approve the Time Extension of the Special Management Area Use Permit to Extend Time to Complete Construction from February 2, 2020 to December 31, 2027, as Recommended by the Department.**

**(Assenting – C. Tackett, S. Castro, K. Pali, L. Carnicelli,  
P D. La Costa)**

**(Excused – A. Hill, K. Robinson, T. Gomes)**

**E. UNFINISHED BUSINESS**

1. Hearing Officer's Report dated July 13, 2018 from E. JOHN MCCONNELL, Retired Judge, Hearing Officer, containing his proposed Findings of Fact, Conclusions of Law, and recommendation regarding the following remanded application: (9/25/18 agenda with hyperlinks to transcripts from hearing officer)

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) (K. Wollenhaupt)

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 may take action on the permit application.

*(Item E 1 begins at 01:12:20 of the audio recording.)*

*(Motion was made at 01:20:05 of the audio recording.)*

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

*(Vote was taken at 01:20:15 of the audio recording.)*

**VOTED: To Go Into Executive Session to discuss the Commission's powers, duties, privileges, immunities, and liabilities with Corporation Counsel.**

**(Assenting – C. Tackett, K. Pali, L. Carnicelli, S. Castro,  
P D. La Costa)**

**(Excused – A. Hill, K. Robinson, T. Gomes)**

*(The Planning Commission recessed the regular meeting at approximately 10:37 a.m. to enter into Executive Session and adjourned at 11:00 a.m. The Planning Commission reconvened the regular meeting at approximately 11:05 a.m.)*

*(Motion was made at 01:30:05 of the audio recording.)*

**A motion was made by Ms. La Costa and seconded by Mr. Tackett to Deny the Findings of the Hearing Officer based on Criteria No. 4, The proposed development will not adversely affect or interfere with public and private school, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems or other public requirements, conveniences and improvements.**

*(Motion was made at 01:32:26 of the audio recording.)*

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

*(Vote was taken at 01:35:02 of the audio recording.)*

**VOTED: To Amend the Main Motion to Include Criteria No. 5. The proposed development would not adversely impact the social, cultural, economic and environmental and ecological character and quality of the area.**

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

**(Recused – L. Carnicelli)**  
**(Excused – K. Robinson, T. Gomes)**

*(Motion was made at 01:35:36 of the audio recording.)*

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

*(Vote was taken at 01:36:26 of the audio recording.)*

**VOTED: To Amend the Main Motion to Include Criteria No. 6. The Public shall be protected from deleterious effects of the proposed use.**

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

The Commission then returned to the original motion, as amended.

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

*(Vote was taken at 01:37:08 of the audio recording.)*

**VOTED: To Reject the Hearing Officer's Report and Deny the Special Use Permit, as Amended.**

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

## **F. DIRECTOR'S REPORT**

*(Item F 1 begins at 01:37:45 of the audio recording.)*

1. Reports from members who attended the December 7, 2018 Native Hawaiian Law Training.

Commissioners Kahu Hill and Pali gave brief reports on the Native Hawaiian Law Training.

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.

No questions or comments on the SMA Minor and Exemption Reports.

4. Discussion of Future Maui Planning Commission Agendas
  - a. January 8, 2019 agenda items

Ms. McLean went over the items scheduled for the January 8, 2019 meeting.

Mr. Hudson announced that he would be resigning at the end of March 2019 due to other commitments.

**G. NEXT REGULAR MEETING DATE: JANUARY 8, 2019**

**H. ADJOURNMENT**

The meeting was adjourned at 11:45 a.m.

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN  
Secretary to Boards and Commissions II

**RECORD OF ATTENDANCE**

**Present**

Lawrence Carnicelli  
Stephen Castro  
Kahu Alalani Hill (in attendance at 10:55 a.m.)  
Larry Hudson, Vice-Chair  
P Denise La Costa  
Kellie Pali  
Christian Tackett

**Excused**

Tina Gomes  
Keaka Robinson, Chair

**Others**

Michele McLean, Director, Department of Planning (9:00 a.m. – 10:28 a.m., 11:22 a.m. – 11:45 a.m.)  
Joe Alueta, Deputy Director, Department of Planning (10:28 a.m. – 11:22 a.m.)  
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel  
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works (9:00 a.m. – 11:22 a.m.)