

**MAUI PLANNING COMMISSION
SUMMARY MINUTES
JANUARY 8, 2019**

[\(HYPERLINK TO AUDIO RECORDING OF THE MEETING\)](#)

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Keaka Robinson at approximately 9:03 a.m., Tuesday, January 8, 2019, 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. Workshop on the County's Planned MAPPS Permit Tracking System Conducted by the County Information and Technology Services (ITS) Division, Department of Management. (Postponed from the September 11, 2018, September 25, 2018, and October 9, 2018 meetings.)

The workshop is for information purposes only. No action will be taken.

(Item B begins at 00:01:20 of the audio recording.)

Mr. Jacob Verkerke presented a power point regarding the MAPPS Permit Tracking System.

C. COMMUNICATIONS

1. MR. GALE NOTESTONE, Chair of the Hana Advisory Committee to the Maui Planning Commission transmitting its recommendation on the following application:

RICHARD LEE LOPEZ and DEVIN LOPEZ requesting a Bed and Breakfast Home Permit in order to operate the Hana Aloha Hale, a two (2)-bedroom bed and breakfast home located in the Interim District at 6820 Hana Highway, TMK: (2) 1-4-010: 018, Hana, Island of Maui. (BBHA T2018/0001) (R. Quigless) (Public Hearing conducted on October 29, 2018)

There is at least one permitted bed and breakfast home operation located within 500 feet of the subject property

The Commission may take action on this request.

(Item C 1 begins at 00:41:50 of the audio recording.)

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

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

(Vote was taken at 01:04:30 of the audio recording.)

VOTED: To Approve the Bed and Breakfast Permit, as Recommended by the Department.

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

(Excused – A. Hill, T. Gomes)

D. REVIEW OF PROPOSED SETTLEMENT AGREEMENT FOR ALLEGED SPECIAL MANAGEMENT AREA VIOLATION

1. Proposed Settlement Agreement between the COUNTY OF MAUI and the KAPALUA RESORT ASSOCIATION for the partial demolition of a rock wall within the Special Management Area (SMA) without first receiving an SMA determination or permit for such improvements on property adjacent to Lower Honoapiilani Road, TMK: 4-2-004:034, Kapalua, Lahaina, Island of Maui. SMA Notice of Violation issued as follows: NOV 2017/0050.

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 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.

(Item D.1 begins at 01:05:13 of the audio recording.)

(Motion was made at 01:54:30 of the audio recording.)

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

(Vote was taken at 02:04:00 of the audio recording.)

VOTED: To Approve the Settlement Agreement with the Corrected Notice of Violation Number and with the additional term that KRA having to develop an education program as discussed.

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

(Excused – A. Hill, T. Gomes)

E ADOPTION OF WRITTEN DECISION AND ORDER

1. Rejection of the Hearings Officer's Report and Denial of the County Special Use Permit by action taken at the December 11, 2018 Maui Planning Commission meeting on the following: (Tom Kolbe, Deputy Corporation Counsel)

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:

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)

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

(Item E.1 begins at 02:04:25 of the audio recording.)

(Motion was made at 02:05:25 of the audio recording.)

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

(Vote was taken at 02:05:37 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 – L. Hudson, P. D. La Costa, L. Carnicelli, K. Pali,
C. Tackett, S. Castro)
(Excused – A. Hill, T. Gomes)**

(The Planning Commission recessed the regular meeting at approximately 11:26 a.m. to enter into Executive Session and adjourned at 11:42 a.m. The Planning Commission reconvened the regular meeting at approximately 11:44 a.m.) (The item was then tabled and Item F. 1 was taken it up.)

F. UNFINISHED BUSINESS

1. R.D. OLSON II INVESTMENTS, LLC requesting a Special Management Area Use Permit for the Keolani Triangle Retail Center, a 4-unit commercial retail space in two structures, with supporting infrastructure, onsite parking, and loading zones, located on 0.779 acres in the M-2 Heavy Industrial District at 520 Keolani Place, Kahului, Island of Maui, TMK: (2) 3-8-079:015. (SM1 2017/0005) (J. Dack) (Public hearing conducted at the November 27, 2018 meeting.).

The Commission may take action on the permit application.

(Item F.1 begins at 02:06:00 of the audio recording.)

(Motion was made at 02:14:42 of the audio recording.)

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

(Vote was taken at 02:14:46 of the audio recording.)

VOTED: To Approve the Special Management Area Use Permit as Recommended by the Department.

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

G. DIRECTOR'S REPORT

1. MICHELE MCLEAN, Planning Director transmitting the following application to the Maui Planning Commission pursuant to the provisions of Section 19.32.020.C, Planned Development, of the Maui County Code:

RD OLSON INVESTMENTS II, LLC requesting a Step III Planned Development Approval in order to construct Hotel Ike, a 110-unit hotel in two (2) buildings with pool, spa, fitness center, lounge and on-site parking located in the A-2 Apartment and H-M Hotel Districts at 55 Gateway Place, TMK: (2) 2 1-028:004, Wailea, Island of Maui. (PD3 2018/0003) (C. Thackerson)

The Commission may act to waive or not waive its review.

(Item G.1 begins at 02:15:04 of the audio recording.)

(Item G.1 was then tabled as the Planner was not in attendance and Item E.1 was then taken up.)

E ADOPTION OF WRITTEN DECISION AND ORDER

1. Rejection of the Hearings Officer's Report and Denial of the County Special Use Permit by action taken at the December 11, 2018 Maui Planning Commission meeting on the following: (Tom Kolbe, Deputy Corporation Counsel)

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:

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

(Item E.1 begins at 02:16:55 of the audio recording.)

(Motion was made at 02:34:25 of the audio recording.)

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

(Vote was taken at 02:34:57 of the audio recording.)

VOTED: To Adopt the Proposed Findings of Fact, Conclusions of Law, and Decision and Order with Modifications.

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

(Recused – L. Carnicelli)

(Excused – A. Hill, T. Gomes)

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The Commission may act to waive or not waive its review.

(Item G.1 begins at 02:35:23 of the audio recording.)

(Motion was made at 02:54:30 of the audio recording.)

A motion made by Ms. La Costa to not waive review, FAILED for lack of a second.

(A second motion was made at 02:54:58 of the audio recording.)

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

(Vote was taken at 02:56:18 of the audio recording.)

VOTED: To Waive Review of the Step III Planned Development.

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

(Item G.2-4 begins at 02:56:40 of the audio recording.)

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 action was taken by the Commission on Items G.2 and G.3.

4. Discussion of Future Maui Planning Commission Agendas

a. January 22, 2019 agenda items

Ms. McLean went over the January 7, 2019 memorandum from Clayton Yoshida regarding the items scheduled for the January 22, 2109 meeting.

H. NEXT REGULAR MEETING DATE: JANUARY 22, 2019

I. ADJOURNMENT

The meeting was adjourned at 12:49 p.m.

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Lawrence Carnicelli
Stephen Castro
Larry Hudson, Vice-Chair
P Denise La Costa
Kellie Pali
Keaka Robinson, Chair
Christian Tackett

Excused

Kahu Alalani Hill
Tina Gomes

Others

Michele McLean, Acting Director, Department of Planning (in attendance at 10:13 a.m.)
Clayton Yoshida, Planning Program Administrator, Current Division, Department of Planning
(9:00 a.m. - 12:04 p.m.)
David Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel