

PURSUANT TO CHAPTER 92, HAWAII REVISED STATUTES AS AMENDED, NOTICE IS HEREBY GIVEN OF A REGULAR MEETING OF THE MAUI PLANNING COMMISSION

AGENDA  
([HYPERLINKS TO MEETING MATERIALS ADDED](#))

DATE: JANUARY 14, 2020  
TIME: 9:00 A.M.  
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii 96793

Members: Lawrence Carnicelli (Chair), Christian Tackett (Vice Chair), Stephen Castro, Kawika Freitas, Tina Gomes, P. Denise La Costa, Kellie Pali, Keaka Robinson, Dale Thompson

**Public testimony will be taken when each agenda item is discussed. Testimony will be limited to a maximum of three (3) minutes.**

A. CALL TO ORDER

B. PUBLIC HEARINGS

1. MS. MICHELE MCLEAN, AICP, Planning Director, transmitting a proposed bill relating to zoning maps and districts, respectively described as follows:

A proposed bill titled "A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF LANAI."

The purpose of the proposed bill is to adopt a digital zoning map for the Island of Lanai. (K. Aoki)

**Public hearing item is canceled. No action will be taken.**

2. TIMOTHY THEVENARD requesting a Bed and Breakfast Home Permit to operate Kuau`ele B&B, a three-bedroom B&B in the County R-1 Residential District and State Urban District located at 12 Alenui Street, TMK (2) 2-6-012:016, Paia, Island of Maui. (BBPH T2019/0007) (T. Furukawa) ([Report](#))

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.

C. REVIEW OF PROPOSED RESOLUTION AGREEMENT FOR ALLEGED SPECIAL MANAGEMENT AREA VIOLATION

[Proposed Resolution Agreement](#) between the COUNTY OF MAUI and SHELLY A. GLASS TRUST for an addition to upper floor deck and master bedroom extension, rear stairway, conversion of lower floor into three storage rooms and garage (breakaway walls), and swimming pool and spa within the

Special Management Area and Flood Zone VE (high risk) without first receiving SMA, Setback, and Flood Development determinations or permits for such improvements on property located at 595 Linekona Place, TMK: (2) 3-4-028:084, Wailuku, Island of Maui. SMA Notice of Violation: NOV 2017/0041; Setback Notice of Violation: 2017/0040; Flood Notice of Violation: NOV 2014/0004.

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 and Section 12-203-17 of the Shoreline Rules for the Maui Planning Commission.

D. COMMUNICATIONS

1. MR. PAUL MANCINI, MANCINI, WELCH, & GEIGER, LLP, on behalf of Waterfront Apartments (Kahului Town Center Student Housing Complex) requesting an amendment to the Conditions of permit OSP 2005/0001 - a reduction of 22 offsite parking stalls - located at 65 Kane Street, Kahului, Island of Maui, TMK: (2) 3-7-005:033, (SM1 2005/0003) (OSP 2005/0001) (P. Fasi) [\(Request\)](#)

E. ORIENTATION WORKSHOP BY CORPORATION COUNSEL (M. Hopper)

1. Contested Cases and Petitions to Intervene
2. Conditions Requiring Rational Nexus
3. Conditions Requiring Rough Proportionality
4. The Sunshine Law
5. Ethics

F. DIRECTOR'S REPORT

1. REPORT OF THE TEMPORARY INVESTIGATIVE GROUP ON THE REVISED FORMAT OF PUBLIC HEARING NOTICES. Commissioners P. Denise La Costa and Kellie Pali will present their recommended text and formatting changes to the public hearing notices that are mailed by applicants. [\(Form\)](#)

No action is required.

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.

4. Discussion of Future Maui Planning Commission Agendas
  - a. January 28, 2020 agenda items

G. NEXT REGULAR MEETING DATE: JANUARY 28, 2020

H. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

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.

UNLESS OTHERWISE SPECIFIED BY PLANNING COMMISSION RULE, ANY PETITION TO INTERVENE AS A FORMAL PARTY IN A PROCEEDING BEFORE THE MAUI PLANNING COMMISSION MUST BE FILED WITH THE COMMISSION AND SERVED UPON THE APPLICANT NO LESS THAN TEN (10) DAYS BEFORE THE FIRST PUBLIC HEARING DATE. (Note: The calculation of time for deadlines of ten days or less excludes weekends and State recognized holidays.) THE ADDRESS OF THE COMMISSION IS C/O the DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, MAUI, HAWAII 96793. **The deadline for filing a timely Petition to Intervene for an item where the first public hearing date is on January 14, 2020 was on December 30, 2019.**

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON EACH AGENDA ITEM SUBJECT TO THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES, AND THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE. IN ACCORDANCE WITH THESE RULES MAXIMUM TIME LIMITS OF AT LEAST THREE MINUTES MAY BE ESTABLISHED BY THE COMMISSION ON INDIVIDUAL TESTIMONY. PLEASE NOTE THAT ANYONE WISHING TO PROVIDE ORAL TESTIMONY PERTAINING TO AN AGENDA ITEM THAT IS A "CONTESTED CASE" PURSUANT TO CHAPTER 91, HAWAII REVISED STATUTES, MAY BE ASKED TO TESTIFY UNDER OATH OR AFFIRMATION, AND MAY BE SUBJECT TO LIMITED CROSS-EXAMINATION IN ACCORDANCE WITH SECTION 91-10(3), HAWAII REVISED STATUTES.

WRITTEN TESTIMONY, WHETHER SENT VIA FAX, EMAIL, OR USPS MAIL SHOULD BE RECEIVED BY THE DEPARTMENT OF PLANNING BY 5:00 P.M. AT LEAST TWO (2) BUSINESS DAYS BEFORE THE MEETING TO ENSURE DISTRIBUTION TO THE BOARD. FIFTEEN (15) COPIES OF WRITTEN TESTIMONY ARE NEEDED IF TESTIMONY IS PRESENTED IMMEDIATELY PRIOR TO OR AT THE MEETING.

Testifiers: Please be advised that applications for Community Plan Amendment, State District Boundary Reclassification, Change in Zoning, and Conditional Permit require the approval of the Maui County Council. In order to be notified of future agendas of the Maui County Council please notify the Office of Council Services at (808) 270-7838 or by mail to the Maui County Council, 200 S. High Street, Wailuku, Maui, Hawaii 96793.

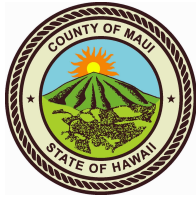
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DOCUMENTS RELATING TO THIS MEETING MAY BE FOUND ON THE COUNTY OF MAUI OFFICIAL WEBSITE AT [www.mauicounty.gov](http://www.mauicounty.gov), UNDER BOARDS AND COMMISSIONS, MAUI PLANNING COMMISSION.

THE ADDRESS OF THE COMMISSION IS C/O DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, MAUI, HAWAII 96793.

THOSE PERSONS REQUESTING SPECIAL ACCOMMODATIONS DUE TO DISABILITIES, PLEASE CALL THE DEPARTMENT OF PLANNING AT 270-7735 (Maui) OR 1-800-272-0117 (Molokai) OR 1-800-272-0125 (Lanai) OR NOTIFY THE DEPARTMENT OF PLANNING IN WRITING AT ONE MAIN PLAZA 2200 MAIN STREET SUITE 315, WAILUKU, MAUI, HAWAII 96793 OR FAX NUMBER 270-7634 AT LEAST SIX (6) BUSINESS DAYS BEFORE THE SCHEDULED MEETING.

**PLEASE NOTE: If any member of the Commission is unable to attend the scheduled meeting, please contact the Planning Department at least one day prior to the meeting date. Thank you for your cooperation.**  
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County of Maui  
Kalana O Maui Building  
200 South High Street,  
Wailuku, HI 96793-2155

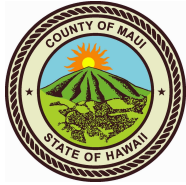
## PD-Approved SMA Minor Projects for Maui

01/06/2020

Permit Completion Date: 11/27/2019 - 12/31/2019

Permit #	Project	Description	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM2 - 20190109	AC SPLIT SYSTEM	AC SPLIT SYSTEM INSTALL	AC SPLIT SYSTEM INSTALL\LAHAINA	DAVID & CHERYL HOUSTON	QUIGLESS	11/29/2019	A W/COND-APPROVED WITH CONDITIONS	2460280300000
SM2 - 20190110	KOMEN CONDOMINIUM	INTERIOR ALTERATION	KOMEN CONDOMINIUM RENOVATION\KIHEI	SATISH GHOLKAR	LAU-HEE	11/27/2019	A W/COND-APPROVED WITH CONDITIONS	2210230060002
SM2 - 20190111	WESTJET	WESTJET	WESTJET\LAHAINA	SHERATON MAUI RESORT & SPA	THACKERSON	12/03/2019	A W/COND-APPROVED WITH CONDITIONS	2440080050000
SM2 - 20190113	HUSSONG, DON/SENIA	EXTERIOR/ALTERIOR ALTERATIONA TO UNIT B202	HUSSONG, DON/SENIA TRUST\KIHEI	DON & SENIA HUSSONG TRUST	QUIGLESS	11/29/2019	A W/COND-APPROVED WITH CONDITIONS	2210070950010
SM2 - 20190114	NA HALE O MAKENA	INSTALLATION OF ROOF MOUNTED PV SYSTEMS	NA HALE O MAKENA\KIHEI	NA HALE O MAKENA - CONDO MASTER (RICHARD FORTUNA)		12/04/2019	A W/COND-APPROVED WITH CONDITIONS	2210071010000
SM2 - 20190115	SPRINT ANTENNA	SPRINT ANTENNA INSTALLATION/KAANAPALI	SPRINT ANTENNA INSTALLATION/KAANAPALI	MARIE KIMMEY AIA		12/04/2019	A W/COND-APPROVED WITH CONDITIONS	2440080170000
SM2 - 20190116	NAPILI BAY CONDO	REMOVE SAND PLUG FROM DRAINAGE AND FILL IN EROSION SCARP FRONTING THE BUILDING	NAPILI BAY CONDO	JIM SCOTT	LAU-HEE	12/05/2019	A W/COND-APPROVED WITH CONDITIONS	2430020520000
SM2 - 20190117	KAPALUA RESORT	CONSOLIDATION & RESUBDIVISION OF 2 PARCELS	KAPALUA CENTRAL RESORT SUBDIVISION	MAUI LAND & PINEAPPLE CO., INC.	WOLLENHAUPT	12/10/2019	A W/COND-APPROVED WITH CONDITIONS	2420040350000
SM2 - 20190118	MAILEPAI HUI LANDS	CONSOLIDATION & RESUBDIVISION OF 2 PARCELS	MAILEPAI HUI LANDS\LAHAINA	NAPILI KAI LTD/GREGG NELSON		12/10/2019	A-APPROVED	2430020660000
SM2 - 20190119	MICHAEL LEARNED	MICHAEL LEARNED	PHOTOVOLTAIC TO ROOF	RISING SUN SOLAR	WILLENBRINK	12/16/2019	A W/COND-APPROVED WITH CONDITIONS	2460290170000
SM2 - 20190120	COLLINS PUAMANA	COLLINS PUAMANA REMODEL	COLLINS PUAMANA REMODEL\LAHAINA	DAVID COLLINS	BUIKA	12/16/2019	A W/COND-APPROVED WITH CONDITIONS	2460280230000
SM2 - 20190121	LOT 83 & 89	LOT 83 & 89 - ADD NEW POWER POLE	LOT 83 & 89 - ADD NEW POWER POLE\MAKENA	RICHARD S. YOUNG	QUIGLESS	12/19/2019	A W/COND-APPROVED WITH CONDITIONS	2210060830000
SM2 - 20190122	HI2-HANAKA OO	INSTALL NEW ANTENNAS AND ACCESSORY EQUIPMENT	HI2-HANAKA OO	CELLCO PARTNERSHIP DBA VERIZON WIRELESS	FASI	12/19/2019	A W/COND-APPROVED WITH CONDITIONS	2440130080000
SM2 - 20190123	35 MALUKAI LANE	RENOVATION TO ENCLOSE COURTYARD	35 MALUKAI LANE\KIHEI	LORI HUANG	BUIKA	12/26/2019	A W/COND-APPROVED WITH CONDITIONS	2210080620010
SM2 - 20190124	MONTAGE KAPALUA BAY	MONTAGE KAPALUA BAY UNIT 2404	MONTAGE KAPALUA BAY UNIT 2604	SHIRLEY CHRISTIANSEN - PRO DRAFT INC.	LAU-HEE	12/20/2019	A W/COND-APPROVED WITH CONDITIONS	2420040280051

**Grand Total : 15**



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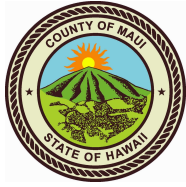
## PD-Approved SMA Exempt Projects for Maui

01/06/2020

Permit Completion Date: 11/27/2019 - 12/31/2019

Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20190234	RE-ROOF BLDGS	RE-ROOF BLDGS\LAHAINA	SHIRLEY CHRISTIANSEN - PRO DRAFT INC.	WOLLENHAUF	12/05/2019	A-APPROVED	2440080010000
SM5 - 20190235	HALEAKALA GARDENS	HALEAKALA WATER LATERAL REPAIRS	BRANDON MURR - CDF ENGINEERING LLC		11/27/2019	A-APPROVED	2390440410000
SM5 - 20190236	GREASE INTERCEPTOR	GREASE INTERCEPTOR-SHOPS AT WAILEA	STEVEN MARLETTE, MC ARCHITECTS, INC.	QUIGLESS	11/27/2019	A-APPROVED	2210080740000
SM5 - 20190237	RITZ-CARLTON	RITZ-CARLTON KAPALUA HOTEL	BRE RC MAUI KAPALUA LLC	THACKERSON	12/02/2019	A-APPROVED	2420040210000
SM5 - 20190238	MOLOKAI DRUGS	MOLOKAI DRUGS RENOVATIONS	RICHARD S. YOUNG	LOPEZ	12/02/2019	A-APPROVED	T53002112054630
SM5 - 20190239	STAIR DEBRIS REMOVAL	STAIR DEBRIS REMOVAL\NAPILI	TANO TAITANO		12/03/2019	A-APPROVED	2430020990000
SM5 - 20190240	PUAMANA 176-4	PUAMANA 176-4\LAHAINA	CARL STEPHEN PLANT	LAU-HEE	12/03/2019	A-APPROVED	2460320060000
SM5 - 20190241	MAUI OCEAN CENTER	INSTALL ACCORDION SECURITY DOORS	VICKY JOHNSTON PRIEST	SEGUNDO	12/03/2019	A-APPROVED	2360080020000
SM5 - 20190242	MCKENZIE RESIDENCE	POOL/SPA/WATER FEATURE	MCKENZIE, AMY PATRICIA LIVING/RESIDENCE TRUST	SEGUNDO	12/03/2019	A-APPROVED	2210210410000
SM5 - 20190243	JOEY'S KITCHEN	INTERIOR RENOVATIONS/LAHAINA	ALEXANDER & BALDWIN, GEOFFREY SCHNIPPER	WAIKIKI	12/04/2019	A-APPROVED	2430031090000
SM5 - 20190244	MAKENA SURF CONDOS	MAKENA SURF CONDOMINIUMS	ANTHONY RIECKE- GONZALES	BURKETT	12/05/2019	A-APPROVED	2210070950000
SM5 - 20190245	AT&T HILO2251 AWE	MODIFY EXISTING WIRELESS T.COMMUNICATION	NEW CINGULAR WIRELESS PCS, LLC	QUIGLESS	12/04/2019	A-APPROVED	2370020200000
SM5 - 20190246	UNIT F-310 PAPAKEA	UNIT F-310 PAPAKEA RESORT	WILLIAM FRAMPTON	LAU-HEE	12/05/2019	A-APPROVED	2440010550000
SM5 - 20190247	JAZZ GLICKENHAUS	JAZZ GLICKENHAUS\PAIA	JAZZ GLICKENHAUS		12/05/2019	A-APPROVED	2260130150000
SM5 - 20190248	LAURA LANE BUSH	REPLACE PVC PIPES	LAURA JANE BUSH	SEGUNDO	12/05/2019	A-APPROVED	2430100130098
SM5 - 20190249	STAUFFER RESIDENCE	STAUFFER RESIDENCE\KUAU	DEAN K FRAMPTON	LAU-HEE	12/05/2019	A-APPROVED	2260110120000

\* = Shoreline Projects  
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## PD-Approved SMA Exempt Projects for Maui

01/06/2020

Permit Completion Date: 11/27/2019 - 12/31/2019

Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20190251	MECHANICAL CHASE	SMA APP/ADDITIOIN OF MECHANICAL AC-WAILEA	MATTHEW HOCHSTETLER	KELIIKOA	12/10/2019	A-APPROVED	2210080820074
SM5 - 20190254	NOODLES & RICE	TENANT IMPROVEMENTS UNIT 128	MAKEKAU ELECTRICAL LLC	SEGUNDO	12/12/2019	A-APPROVED	2390080280000
SM5 - 20190255	DOUG & MICHELLE ROSE	DOUG & MICHELLE ROSE\LAHAINA	BRIAN VOLK	QUIGLESS	12/16/2019	A-APPROVED	2440080220026
SM5 - 20190256	IRONWOODS 52	IRONWOODS 52 RENOVATION\LAHAINA	JOHN MORGAN GERDEL	WILLENBRINK	12/17/2019	A-APPROVED	2420010300018
SM5 - 20190257	KAMAU AG BARN	SMX/ KAMAU AG BARN/HAIKU	STEPHEN THISTLE	LILLIS	12/18/2019	A-APPROVED	2280040170000
SM5 - 20190258	KEONEKAI VILLAGE	SMX/KEONEKAI VILLAGE/KIHEI	MATT CHIEREK	LILLIS	12/18/2019	A-APPROVED	2390041340000
SM5 - 20190259	BRISSETTE RESIDENCE	2ND FLOOR ADDITION\KIHEI	CHARLIE & SANDRA BRISSETTE	WAIKIKI	12/18/2019	A-APPROVED	2390380100000
SM5 - 20190261	A & B KAILUA GULCH	VEGETATION REMOVAL/PAIA	ALEXANDER & BALDWIN LLC	LAU-HEE	12/19/2019	A-APPROVED	2250050460000
SM5 - 20190262	THE SHOPS AT WAILEA	THE SHOPS AT WAILEA	CHRIS HART & PARTNERS, INC.	THACKERSON	12/23/2019	A-APPROVED	2210080740000
SM5 - 20190263	DONNA TING	SMA APP/700SF DWELLING UNIT-KIHEI	DONNA TING	KELIIKOA	12/26/2019	A-APPROVED	2390150060000
SM5 - 20190264	BONHAM RESIDENCE	SMA APP/SWIMMING POOL-PAIA	WARSH, STEVE	HIGA	12/26/2019	A-APPROVED	2380021070000

**Grand Total : 27**