

**MAUI PLANNING COMMISSION
SUMMARY MINUTES
JANUARY 14, 2020**

(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 Lawrence Carnicelli at approximately 9:09 a.m., Tuesday, January 14, 2020, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

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 was taken. Matter only needs to go to the Lanai Planning Commission.

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)

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.

(Item B.2 begins at 00:02:48 of the audio recording.)

(Motion was made at 00:28:17 of the audio recording.)

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

(Vote was taken at 00:40:59 of the audio recording.)

VOTED: To Approve the Bed and Breakfast Home Permit as Recommended by the Department with Amendment to Condition No. 5 rooms being rented to a single group and no more than six guests at a time.

**(Assenting – P. D. La Costa, D. Thompson, K. Freitas, K. Pali,
K. Robinson, C. Tackett)**

(Excused – S. Castro, T. Gomes)

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.

(Item C begins at 00:41:28 of the audio recording.)

(Motion was made at 01:10:40 of the audio recording.)

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

(Vote was taken at 01:12:11 of the audio recording.)

VOTED: To Approve Resolution Agreement.

**(Assenting – K. Freitas, P. D. La Costa, D. Thompson, K. Pali,
K. Robinson, C. Tackett)**

(Excused – S. Castro, T. Gomes)

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)

Item is canceled. Commission action is not necessary. The off-site parking amendment can be handled administratively.

By consensus of the Commission Item F was taken up before Item E.

F. DIRECTOR'S REPORT

(Item F begins at 01:14:00 of the audio recording.)

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.

Commission discussed and then concurred with the recommended text and formatting changes.

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.

Mr. Freitas asked for more information on the SM2 2019/0111 by the Sheraton Maui Resort and Spa relating to WestJet project.

4. Discussion of Future Maui Planning Commission Agendas

- a. January 28, 2020 agenda items

Ms. McLean went over the January 13, 2020 memorandum regarding the items scheduled for the January 28, 2020 agenda.

Ms. Pali asked that on a future agenda a discussion regarding updating the commission's rules with regards to defining attendance and absences, excused and unexcused.

Ms. McLean noted that the Mayor's Office has also drafted a bill that would apply to all boards and commissions that talks about attendance and what happens if there's poor attendance, unexcused absences.

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

(Item E begins at 01:34:40 of the audio recording.)

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

Mr. Hopper gave a presentation on each item.

G. NEXT REGULAR MEETING DATE: JANUARY 28, 2020

H. ADJOURNMENT

The meeting was adjourned at 11:48 a.m.

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Lawrence Carnicelli, Chair
Kawika Freitas
P Denise La Costa
Kellie Pali
Keaka Robinson (excused at 10:43 a.m.)
Christian Tackett, Vice Chair
Dale Thompson

Excused

Stephen Castro
Tina Gomes

Others

Michele McLean, Director, Department of Planning
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel