

NOTICE OF PUBLIC MEETING AND HEARINGS

PLANNING COMMISSION

COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of matters to be considered by the Planning Commission of the County of Hawaii in accordance with the provisions of Chapters 91 and 92, Hawaii Revised Statutes, Section 6-4.3 of the Charter of the County of Hawaii, and the Planning Commission's Rules of Practice and Procedure.

DATE: Friday, December 17, 2004

TIME: 9:00 a.m.

PLACE: County of Hawaii Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawaii

NEW BUSINESS – 9:00 a.m.

1. **APPLICANT: NANI MAU INC. (USE NO. 126)**

Request for revocation of Use Permit No. 126 which allowed the establishment of a 9-hole pitch and putt golf course on approximately 15 acres of land. The property is located adjacent to the Nani Mau Gardens complex along Makalika Street, Panaewa Farm Lots, Waiakea, South Hilo, Hawaii, TMK: 2-2-48: portion of 13.

2. **APPLICANT: NANI MAU INC. (SP 73-159)**

Request to delete condition no. 7 (Highway 11 – Makalika Street intersection improvements) of State Land Use Commission Docket SP 73-159 which allowed the establishment of the Nani Mau Gardens complex, including a commercial arboretum for public tours and the sale of agricultural products on approximately

23 acres of land within the State Land Use Agricultural District. The Nani Mau Gardens complex is located along the north side of Makalika Street within the Panaewa Farm Lots Subdivision, Waiakea, South Hilo, Hawaii, TMK: 2-2-48: portion of 13.

3. **APPLICANT: PULUWAI, LLC (ORDINANCE NO. 92-7)**

Request for time extensions to comply with Condition B (submission of water commitment payment), Condition C (submission of subdivision plans) and Condition O (submission of annual report) of Ordinance No. 92-7, which rezoned approximately 6.0003 acres of land from an Agricultural 3-acre (A-3a) to a Single Family Residential – 10,000 square foot (RS-10) district. The property is located along the north side of Kawailani Street, adjacent to and east of the Life Care Center complex, Waiakea, South Hilo, Hawaii, TMK: 2-4-3: portion of 21.

4. **APPLICANTS: JERRY GARDNER/MARKLYN WILSON (SPP 04-015)**

Special Permit to allow the establishment a 3-bedroom bed and breakfast operation within an existing single family dwelling situated on 3 acres of land within the State Land Use Agricultural District. The property is located along the southwest side of 39th Avenue, approximately 0.85 mile from the 39th Avenue – Orchidland Drive intersection, Orchidland Estates Subdivision, Keaau, Puna, Hawaii, TMK: 1-6-12:121.

5. **APPLICANTS: CANDEE CORWIN/TERESA REYNOSO (SPP 04-014)**

Special Permit to allow the establishment of a 2-bedroom bed and breakfast establishment and a massage wellness operation within an existing single family dwelling situated on 5.06 acres of land within the State Land Use Agricultural

District. The property is located along the north side of Opihikao Road, Kaueleau Farm Lots Subdivision, Kamaili Homesteads, Puna, Hawaii, TMK: 1-3-10:1.

NEW BUSINESS – 10:00 a.m.

6. **APPLICANTS: STEPHEN AND RAE WELSH (USE 04-005)**

Use Permit to allow the establishment of a 1-bedroom bed and breakfast operation within an existing single family dwelling situated within the Single Family Residential – 15,000 square foot (RS-15) zoning district. The property is at the corner of Nahala Street, Makakai Place and Kahoa Street, Alae, South Hilo, Hawaii, TMK: 2-6-25:5.

7. **APPLICANTS: DAVID AND SHARON PETTUS (SPP 04-010)**

Special Permit to allow the establishment of a Wellness Center Retreat and related improvements on 12.157 acres of land situated within the State Land Use Agricultural District. The property is located along the southeast side of Velez Road, approximately 700 feet from the Velez Road – Honokaa-Waipio Road (Highway 240) junction, Kaauhuhu, Hamakua, Hawaii, TMK: 4-7-2:15.

ADMINISTRATIVE MATTERS

Status of appeals filed on Planning Commission decisions - Corporation Counsel

Other Commission matters

ANNOUNCEMENTS

ADJOURNMENT

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the above requests. According to Rule 1 (General Rules) of the Planning Commission, a person desiring to submit oral or written testimony shall

indicate her/his name; residence address; and whether the testimony is on her/his behalf or as a representative of an organization or individual. If testimony is being submitted on behalf of an organization, documentation showing membership ratification should accompany the testimony. Written testimony shall be submitted with an original and nine copies prior to testifying. The Commission would appreciate timely submittal to the Planning Department at least one week prior to the hearing date to allow for mailing and thorough Commission review. Testimony that is irrelevant or unduly repetitious may be limited by the Chairperson pursuant to Rule 1.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file and open to inspection during office hours at the Planning Department, Aupuni Center, 101 Pauahi Street, Suite 3, Hilo, Hawai'i 96720 and at the Planning Department Kona Office, 75-5706 Kuakini Highway, Suite 109, Kailua-Kona, Hawai'i 96740.

Pursuant to Rule 4, Contested Case Procedure, of the County of Hawaii Planning Commission Rules of Practice and Procedure, any person seeking to intervene as a party to a contested case hearing on item nos. 1, 2, 4, 5, 6 and 7 above, is required to file a written request which must be received in the office of the Planning Department no later than seven (7) calendar days prior to the Planning Commission's first public meeting on the matter. Such written request shall be in conformity with Rule 4, in a form as provided in Rule 4 Appendix A "Petition for Standing in a Contested Case Hearing." The written petition/request shall be filed with the Planning Commission at Aupuni Center, 101 Pauahi Street, Suite 3, Hilo, Hawai'i 96720, and accompanied by a filing fee of \$100 payable to the Director of

Finance. Any party may retain counsel if that person so desires. Rule 4 may be inspected or purchased (\$2.50) at the above-cited location. Rule 4 may also be viewed at the County of Hawaii website (<http://www.co.hawaii.hi.us>).

Any disabled person requiring special assistance or person requiring auxiliary aid and/or services to participate in the hearing should contact the Planning Department at 961-8288 ten (10) working days prior to the hearing so that appropriate arrangements can be made.

Hawai'i County is an Equal Opportunity Provider and Employer.

PLANNING COMMISSION

Fred Galdones, Chairperson

Earl K. Fujikawa, 1st Vice Chairperson

Hannah K. Springer, 2nd Vice Chairperson

(Hawaii Tribune Herald: November 26, 2004)

(West Hawaii Today: November 26, 2004)