

PLANNING COMMISSION
COUNTY OF HAWAI'I

MINUTES
JUNE 4, 2004

The Planning Commission met in regular session at 9:05 a.m. in the County Building, Councilroom - Room 201, 25 Aupuni Street, Hilo, Hawai'i, with First Vice-Chairman Earl Fujikawa presiding.

PRESENT: Earl Fujikawa
C. Kimo Alameda
Bill Graham
Jeffrey McCall
Hannah Springer
Bill Thibadeau

ABSENT & EXCUSED: Fred Galdones
Francis Smith

Joseph Kamelamela, Deputy Corporation Counsel
Christopher J. Yuen, Planning Director
Norman Hayashi, Planning Program Manager
Phyllis Fujimoto, Staff Planner
Jeff Darrow, Staff Planner

The Chair introduced the Commissioners and staff to members of the public.

For the public's information, Mr. Hayashi noted that the Planning Department will be requesting the hearing on World Botanical Gardens, Inc. (SPP 04-005) be continued to a subsequent meeting to resolve some outstanding issues.

SMA 04-003 The Commission took this item up at 9:07 a.m., with
JACKSON AUTO GROUP approximately 16 people from the public in attendance.
WAIAKEA,
SOUTH HILO

APPLICANT: JACKSON AUTO GROUP (SMA 04-003)

Special Management Area Use Permit to allow the establishment of an auto service and repair, retail parts outlet facility, parking and related improvements. The properties are located on the southeast corner of Kamehameha Avenue and Kalanikoa Street and in close proximity to Ken's House of Pancakes, Waiakea, South Hilo, Hawai'i, TMK: 2-2-32:62 and 63.

Mr. Hayashi oriented the Commission and public of the subject and surrounding properties on the location map and site plan, summarized the request, and noted the Planning Director is recommending approval of the application with conditions.

The applicant's representative, Sidney Fuke, noted that the applicant, currently enroute to Hilo from Honolulu, was in agreement with the Planning Department's background report and recommendation.

Mr. Fuke pointed out that the property is owned by the State and the applicant has secured a 30-year lease from the State, subject to the application being approved.

In response to Commissioner Graham's inquiry, Harry Yada of State DLNR, Land Division, said the project is exempt from an Environmental Assessment based on the fact that it is consistent with the prior uses, and it's basically a redevelopment of a simple use.

There was no one from the public wishing to testify on this agenda item.

Commissioner Graham said although he did not have any real concern on any particular environmental situation, he was uncomfortable about the legal ramifications of not requiring an Environmental Assessment under Chapter 343, noting he felt not requiring an environmental assessment falls into a narrow sliver of exemption.

Mr. Yuen said the agency that would make a determination of whether an Environmental Assessment is required or not is the State DLNR; and they determined this proposal does not involve a change in use sufficient to require an environmental assessment. He gave examples of a strict rule where an Environmental Assessment would be required if an owner wanted to change a commercial property from a warehouse to an auto parts storage area or a person leasing State Agricultural land for farming purposes wanting to change the type of crops grown on the property. He said, therefore, the State DLNR has taken a typical view that once commercial or industrial uses are established on a piece of property that similar types of commercial or industrial uses would not constitute a change in use.

Mr. Hayashi clarified that as the gas station is still in existence, it is not covered under this particular application.

Mr. Yuen said as far as the SMA, it is up to the Planning Department to decide whether an SMA Permit is necessary, whether something is grandfathered, whether it does not even constitute a change in use and then will now need an SMA. He stated for this particular application, the use was established many years prior to the enactment of the SMA law, and the County is dealing with something different and requiring an SMA Major Permit.

Upon Commissioner Graham's inquiry, Mr. Yuen clarified that under Chapter 343 if there was a change in use, say, Ag use to a commercial use, DLNR would require an EA, whether they have to come in for any kind of county permits or not.

It was moved by Commissioner Springer and seconded by Commissioner McCall that the application be approved based on and incorporating the Planning Director's

the Council's policy has been to include a fair share contribution. Mr. Yuen explained that past practice was the Commission would include a sentence in the ordinance saying an applicant would pay their fair share contribution, and the Council would insert the fair share figures at the Council level; however, in his discussion with the Council, the Department will now be inserting the figures on the Commission level. Mr. Hayashi noted that as the fair share contribution figures has just been changed, the Department will make the necessary adjustments before transmitting the ordinance over to the County Council. Commission Springer said she prefers receiving as much information at the Commission level as it gives the public greater scrutiny of the information that the Council eventually works with.

There was no one from the public wishing to testify on this agenda item.

It was moved by Commissioner Springer and seconded by Commissioner Alameda to send a favorable recommendation to the County Council based on and incorporating the Planning Director's background information and recommendation, with a new Condition G as follows and the remaining conditions realphabetized accordingly, "Restrictive covenants in the deed shall require the homeowners to maintain the private roads and draingeway." A roll call vote was taken and motion carried with six ayes (Springer, Alameda, Graham, McCall, Thibadeau and Fujikawa) and two absent and excused (Smith and Galdones).

ORD. NO. 93-62
HILO STORAGE
PARTNERS, LLC
WAIAKEA, SOUTH HILO

The Commission took this item up at 9:45 a.m., with approximately 18 people from the public in attendance.

APPLICANT: HILO STORAGE PARTNERS, LLC (ORD. NO. 93-62)

Amendment to Condition F of Change of Zone Ordinance No. 93 62, which rezoned a 1.028-acre lot from a Limited Industrial - 20,000 square foot (ML-20) to a General Industrial 1-acre (MG-1a) district. The request is to delete the requirement that curb, gutter and sidewalk improvements be provided along Ocean View Drive. The property is located between Kalaniana'ole Avenue and Ocean View Drive and diagonally across from Keaa Street, Waiakea, South Hilo, Hawai'i, TMK: 2-1-07:9.

Mr. Hayashi oriented the Commission and public of the subject and surrounding properties on the location map and site plan, summarized the request, and noted several correspondences submitted into the record in support of the request. He then pointed out that the Planning Director recommended approval of the application, with conditions.

In response to Commissioner McCall's inquiries, Mr. Hayashi noted that Ocean View Drive ends generally in the location of the subject property.

The applicant's representative, Sidney Fuke, stated the applicant has reviewed both the background report and recommendation and found them to be acceptable.

Mr. Fuke said that to comply with the curb, gutter and sidewalk requirement would result in the removal of heavy vegetation which presently serves as a screen for the homes in the area. He added that the applicant will not be utilizing Ocean View Drive at all as an access, noting Condition F was imposed when the former owners wanted to have their accesses both on Ocean View Drive and Kalaniana'ole Avenue.

In response to Mr. Yuen's inquiry, Mr Fuke stated the applicant will comply with the condition to construct curb, gutter and sidewalks on Kalaniana'ole Avenue and it will be done in conjunction with the second phase of the development. He added that a permit was recently taken out and plans are currently being finalized for the sidewalk improvements to be constructed prior to the issuance of an occupancy permit.

Jessie Wolf read and submitted into the record a letter from five of the residents of Ocean View Drive in support of the request.

It was moved by Commissioner Springer and seconded by Commissioner McCall to send a favorable recommendation to the County Council based on and incorporating the Planning Director's recommendation. A roll call vote was taken and motion carried with six ayes (Springer, McCall, Thibadeau, Alameda, Graham and Fujikawa) and two absent and excused (Galdones and Smith).

ORD. NO. 92-91
DJSM, LLC
WAIAKEA,
SOUTH HILO

The Commission took this item up at 9:58 a.m., with approximately 22 people from the public in attendance.

APPLICANT: DJSM, LLC (ORD. NO. 92-91)

Amendment to Conditions C and F of Change of Zone Ordinance No. 92-91, which rezoned approximately 47,680 square feet of land from a Single Family Residential – 10,000 square foot (RS-10) to a General Commercial – 10,000 square foot (CG-10) district. The property is located along the east side of Kilauea Avenue, across from Tyke's Laundromat, Waiakea, South Hilo, Hawai'i, TMK: 2-2-28:29.

(SEE EXHIBIT A)

RECESSED

The Chair called a recess at 12:03 p.m.

RECONVENED

The meeting reconvened at 1:35 p.m.

USE 04-003
MELANIE BOUDAR
KEAAU,
PUNA

The Commission took this item up at 1:35 p.m., with approximately 6 people from the public in attendance.

APPLICANT: MELANIE BOUDAR (USE 04-003)

Use Permit to allow the establishment of a 4-bedroom bed and breakfast operation within an existing single family dwelling situated on 20,000 square feet of land zoned Single Family Residential – 20,000 square feet (RS-20). The property is located along the south side of Tenth Street, approximately 500 feet southwest of the Tenth Street – Pearl Street intersection, Mauna Loa Estates Subdivision with the Volcano area, Keaau, Puna, Hawai‘i, TMK: 1-1-10:71.

(SEE EXHIBIT B)

SPP 04-005
WORLD BOTANICAL
GARDENS, INC.
KAMAEAE,
NORTH HILO

The Commission took this item up at 2:37 p.m., with approximately 3 people from the public in attendance.

APPLICANT: WORLD BOTANICAL GARDENS, INC. (SPP 04-005)

Special Permit to allow the construction of a visitor center, parking lot and related improvements on approximately 154,010 square feet (3.53 acres) of land situated within the State Land Use Agricultural District. The site is part of the existing World Botanical Gardens situated on the north side of Leopolino Road between Highway 19 and the Old Mamalahoa Highway, Kamaee, North Hilo, Hawai‘i, TMK: 3-1-1: portion of 15.

Mr. Hayashi noted the Department is requesting a continuance of the hearing to July 2nd inasmuch as they were awaiting comments from the Department of Transportation, and also a response from the Applicant on the ownership of the roadway.

There was no one from the public wishing to testify on this agenda item.

It was moved by Commissioner Springer and seconded by Commissioner McCall that the hearing be continued to July 2nd. A roll call vote was taken and motion carried with six ayes (Springer, McCall, Alameda, Graham, Thibadeau, and Chairman Fujikawa) and two absent and excused (Galdones and Smith).

USE 193
JACQUELINE BRITTAIN/
OWEN SHEETS, JR.
KEAUKAHA,
SOUTH HILO

The Commission took this item up at 2:40 p.m., with approximately 3 people from the public in attendance.

PERMITTEES: JACQUELINE BRITTAIN/OWEN SHEETS, JR.

Review of compliance with conditions of Use Permit No. 193, which allowed the establishment of a two-bedroom bed and breakfast operation within an existing single family dwelling situated in the Single Family Residential – 10,000 square foot (RS-10)

district. The property is located on the makai side of Kalanianaʻole Street, approximately 179 feet west of Akepa Street, Keaukaha, South Hilo, Hawai‘i, TMK: 2-1-17:25.

(SEE EXHIBIT B)

MINUTES

The Commission took up the following minutes at this time, 3:08 p.m.

April 23, 2004 – It was moved by Commissioner Springer and seconded by Commissioner McCall that the minutes be accepted as circulated. Motion was unanimously carried by a voice vote of all Commissioners in attendance.

ADMINISTRATIVE MATTERS

The following were discussed under Administrative Matters:

Status of appeals filed on Planning Commission decisions - Corporation Counsel – Mr. Kamelamela gave a short synopsis of the following appeals:

Thomas Wilson and Michele Noe Noe Wong-Wilson versus Planning Commission regarding SPP 00-041 – The County has filed answering briefs in the Supreme Court.

Capt. Cook Royal Hawaiian Co. Ltd./AT&T versus Planning Commission – The Appellant Capt. Cook filed a stipulation to dismiss on May 8, 2004 in the Supreme Court.

Dean Yokoyama versus Doutor Coffee Co. Hawaii, Inc. (SPP 1215) – The County is in process on filing answering briefs in the Supreme Court before Judge Ronald Ibarra.

Stephen and Kathleen Geiger versus Planning Commission – On June 2, 2004, the Corporation Counsel’s office had filed answering briefs on the appeal of SPP No. 01-022 granted to Betty Chin (Fire Mountain – SPP 1185).

Wayne Blasman’s SMA 02-003 Contested Case – The matter is still with the hearings officers.

ANNOUNCEMENTS

The following announcements were made:

Commission Meetings – Mr. Hayashi announced the next meeting is scheduled for June 18th in Kona and the meeting following that is scheduled for July 2nd, in Hilo.

ADJOURNMENT

There being no further business, the Chair declared the meeting adjourned at 3:16 p.m.

Respectfully submitted,

Sharon M. Nomura, Secretary

A T T E S T:

Earl Fujikawa, First Vice-Chairman
Planning Commission

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