

PLANNING COMMISSION
COUNTY OF HAWAI'I

MINUTES
JULY 16, 2004

The Planning Commission met in regular session at 9:00 a.m. in the King Kamehameha's Kona Beach Hotel, Kamakahonu Ballroom, 75-5660 Palani Road, Kailua-Kona, Hawai'i, with Chairman Fred Galdones presiding.

PRESENT: Fred Galdones
Christian Alameda
Earl Fujikawa
Bill Graham
Francis Smith
Hannah Springer
Bill Thibadeau

ABSENT & EXCUSED: Jeffrey McCall

Pat O'Toole, Deputy Corporation Counsel
Christopher J. Yuen, Planning Director
Norman Hayashi, Planning Program Manager
Phyllis Fujimoto, Staff Planner
Jeff Darrow, Staff Planner
Kiran Emler representing Department of Public Works

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

USE 04-002 The Commission took this item up at 9:02 a.m. with
SHAWN NAKAKURA approximately 10 people from the public in attendance.
AND SAM LEE
AUHAUKEAE 2ND,
NORTH KONA

APPLICANT: SHAWN NAKAKURA AND SAM LEE (USE 04-002)
Adoption of Proposed Findings of Fact, Conclusions of Law and Decision of Order for a Use Permit to allow the operation of a cremation business within portion of a warehouse building situated within the Limited Industrial 1-acre (ML-1a) district. The property is located along the north side of Hukiloa Drive within the Kohanaiki Business Park Subdivision which is situated along the east side of Queen Kaahumanu Highway (Highway 19), Auhaukeae 2nd, North Kona, Hawaii, TMK: 7-3-58:28.

Ms. O'Toole said the Commission heard the contested case as a whole and voted to grant the permit. She said although she was not present at the contested case, she did prepare the proposed findings of fact, conclusions of law and decision and order, and the Commission should make any corrections to them, if they wished.

Commissioner Graham suggested a correction to Page 6, Item d, the last sentence to be more reflective of the Commission's decision.

The applicant, Sam Lee, was in attendance. He stated he did have the opportunity to review the proposed findings of fact, conclusions of law and decision and order and had no comments to offer.

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

It was moved by Commissioner Graham and seconded by Commissioner Smith that the Commission adopt the proposed findings of fact, conclusions of law and decision and order, with an amendment to Page 6, Item d, the last sentence to read, "The Planning Commission finds that potential impacts on cultural and traditional practices are adequately addressed in the proposed development." A roll call vote was taken and motion carried with seven ayes (Graham, Smith, Alameda, Fujikawa, Springer and Thibadeau, and Galdones) and one absent and excused (McCall).

SPP NO. 903
LAMOCALM, LLC
dba KONA SEAFOOD
KEEI 2ND,
SOUTH KONA

The Commission took this item up at 9:08 a.m. with approximately 12 people from the public in attendance.

APPLICANT: LAMOCALM, LLC dba KONA SEAFOOD (SPP NO. 903)
Amendment to Special Permit No. 903, which allowed the establishment of a wholesale and retail seafood outlet on approximately 14,000 square feet of land situated within the State Land Use Agricultural District. The request is to allow the sale of beer and wine within the existing establishment. The property is the site of the existing Kona Seafood facility situated on the mauka side of Mamalahoa Highway, KEEI 2ND, South Kona, Hawaii, TMK: 8-3-13: portion of 10.

Mr. Darrow oriented the Commission and public of the subject and surrounding properties on the location map and site plan, and summarized the request. He noted the Planning Director recommended approval of the application with conditions, with Condition No. 6 amended to read, "The sale of beer and wine is allowed within the premises," and previous Condition No. 6 renumbered to Condition No. 7.

Commissioner Springer questioned whether this application is just for the sale of beer and wine and if consumption of the beverages is anticipated on the site. Mr. Darrow said it was just for the sale of beer and wine.

Commissioner Graham said the benefit of having the store is that the residents would not have to make two stops; however, he questioned the location of those two small stores and the zoning designations for those properties. Mr. Darrow said one store is within 500 feet of the subject property and the other store is within a mile, but unfortunately he was not sure of the zoning for those two stores (HY and Patels).

The applicant's representative, Kenneth Lee, said he had no questions or comments on the Planning Department's background report or recommendation.

RECONVENED

The meeting reconvened at 10:16 a.m.

SPP NO. 1170
CROWN CASTLE
INTERNATIONAL
KAUPULEHU,
NORTH KONA

The Commission took this item up at 10:16 a.m. with approximately 8 people from the public in attendance.

APPLICANT: CROWN CASTLE INTERNATIONAL (SPP NO. 1170)
Amendment to Special Permit No. 1170 which allowed an existing monopole telecommunication tower, co-location antennas, and related equipment buildings and accessory structures on approximately 550 square foot of land within the State Land Use Agricultural District. The amendment request is to increase the land area from 550 square feet to 700 square feet for the purpose of constructing an emergency generator and other related improvements. The property is located approximately 2 miles east (mauka) of Mamalahoa Highway, Kaupulehu, North Kona, Hawaii, TMK: 7-2-2: portion 9.

Mr. Darrow 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 recommended approval of the application, with conditions.

The applicant's representative, Eric Schatz, had no comments on the background report and recommendation, noting they had no problems with the original conditions imposed upon the applicant.

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

It was moved by Commissioner Fujikawa and seconded by Commissioner Smith that the application be approved based on and incorporating the Planning Director's recommendation, with conditions. A roll call vote was taken and motion carried with seven ayes (Fujikawa, Smith, Alameda, Graham, Springer, Thibadeau and Galdones) and one absent and excused (McCall).

SPP 04-008
CROWN CASTLE
INTERNATIONAL
PUUKAPU,
SOUTH KOHALA

The Commission took this item up at 10:21 a.m. with approximately 11 people from the public in attendance.

APPLICANT: CROWN CASTLE INTERNATIONAL (SPP 04-008)
Special Permit to allow the retention of an existing 75-foot wooden monopole tower with accompanying equipment and structures, including a new generator on approximately 1,050 square feet of land situated within the State Land Use Agricultural District. The property is located along the southwest side of Uikeoni Street, approximately 0.5 mile from the Highway 19 – Uikeoni Street junction, Puukapu Acres Subdivision, Puukapu, South Kohala, Hawaii, TMK: 6-4-29: portion of 1.

Mr. Darrow 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 recommended approval of the application, with conditions.

The applicant's representative, Eric Schatz, had no comments on the background report and recommendation.

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

It was moved by Commissioner Fujikawa and seconded by Commissioner Smith that the application be approved based on and incorporating the Planning Director's recommendation, with conditions. Commissioner Springer pointed out that the Mauna Kea Soil and Water Conservation District made recommendations for dust control, and Mr. Darrow noted that the facility itself is already constructed and there will not be a lot of construction activity for the project as the applicant would just be adding a generator. In response to Commissioner Alameda's inquiry, Mr. Darrow explained that Condition 4 is a standard condition imposed on such facilities wherein whenever a facility is no longer being used they have a certain period of time to remove the facility, noting there might be a time when with new technology towers would no longer be needed and at that point the County does not want to have unused towers all over the place. Mr. Darrow added that although neighboring residents had the opportunity to provide comments none were submitted to the Department. A roll call vote was taken and motion carried with seven ayes (Fujikawa, Smith, Alameda, Graham, Springer, Thibadeau and Galdones) and one absent and excused (McCall).

SPP 04-007
CINDY GRIFFEY
KALAHIKI,
SOUTH KONA

The Commission took this item up at 10:30 a.m. with approximately 12 people from the public in attendance.

APPLICANT: CINDY GRIFFEY (SPP 04-007)

Special Permit to allow the establishment of a 5-bedroom Bed and Breakfast Operation within the main dwelling and a bunk house situated on 5.6 acres of land within the State Land Use Agricultural District. The property is located along the makai side of Mamalahoa Highway (Highway 11), approximately 1,600 feet from the Mamalahoa Highway – Government Road (road leading to Hookena Village), Kalahiki, South Kona, Hawaii, TMK: 8-6-11:10.

Mr. Darrow 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 recommended approval of the application, with conditions.

In response to Commissioner Springer's inquiry, Mr. Darrow noted that the buildings built in 1950's are being renovated at this time.

The applicant's representative, John Griffey, stated he had no comments on the background report and recommendation.

Upon Commissioner Fujikawa's inquiry, Mr. Griffey indicated on the presentation map the location of Elizabeth Stack's property, noting she lives in Honolulu but comes over once or twice a month.

For Commissioner Springer's information, Mr. Griffey gave some background information and said water is available to the property but the applicant is currently resolving the question of ownership of the water meter with the Department of Water Supply.

For Commissioner Alameda's information, Mr. Darrow noted that the Hawaii County Code requires a special permit for the operation of a bed and breakfast operation in the State Land Use Agricultural District.

Elizabeth Stack, adjoining property owner, said she did not have an objection to a bed and breakfast but did have an objection to the number of guests and the proposal leaving only one bedroom for the family of three, noting it is a neighborhood and not a commercial district. She clarified her concerns were with regard to the potential traffic, noise and no control of the guests going onto neighboring properties.

Commissioner Springer solicited the Deputy Planning Director's comments regarding Ms. Stack's testimony. Mr. Takemoto said it appeared the distances between Ms. Stack's residence and the applicant provides for adequate privacy and buffering in terms of noise; and he did not see a problem as far as traffic since they do not share the same driveway.

Ms. Stack raised such questions as who is going to welcome the guests, who is going to provide the breakfast, who is going to make sure the guests do not wander about the neighborhood?

In response to Ms. Stack's testimony, Mr. Griffey said they have an on-going project to trap feral pigs in the area. He then clarified there are five bedrooms for the B&B and two bedrooms and a maid's quarters with a half bath for the family, indicating on the presentation map the location of the units to be used for a bed and breakfast operation. He then tried to allay Mrs. Stack's fear by saying he is in the process of retiring from the real estate business and will be living at the facility pretty much all of the time, and there will be a lot of control with the operation, noting he knows the history of the area as he has lived there for over 35 years and know a lot of the families in the area.

Commission Graham noted the Zoning Code has the requirements for a bed and breakfast, with the limit of five units allowed.

Commissioner Fujikawa noted that the operator is required to live on the premises, and it is controlled environment. He said he was for the application because the applicant is addressing the situation in the right way by trying to become legal.

It was moved by Commissioner Fujikawa and seconded by Commissioner Smith that the application be approved based on and incorporating the Planning Director's recommendation, with conditions. A roll call vote was taken and motion carried with seven ayes (Fujikawa, Smith, Alameda, Graham, Springer, Thibadeau and Galdones) and one absent and excused (McCall).

RECESSED

The Chair called a short recess at 10:53 a.m.

RECONVENED

The meeting reconvened at 11:00 a.m.

REZ 04-003
WEST HAWAII
BUSINESS PARK, LLC
HONOKOHAU 1ST & 2ND,
NORTH KONA

The Commission took this item up at 11:00 a.m. with approximately 12 people from the public in attendance.

APPLICANT: WEST HAWAII BUSINESS PARK, LLC (REZ 04-003)

Change of Zone for approximately 196.634 acres from an Open (O) to an Industrial-Commercial Mixed 20,000 square foot (MCX-20) district and for approximately 85.733 acres from an Open (O) to a General Industrial 1-acre (MG-1a) district. The property is located along the east (mauka) side of Queen Kaahumanu Highway (Highway 19), adjacent to and south of the Kaloko Industrial Subdivision, Honokohau 1st and 2nd, North Kona, Hawaii, TMK: 7-4-8:portion of 13 and 30.

(SEE EXHIBIT B)

MINUTES

The Commission took up the following minutes at this time, 12:38 p.m.

June 18, 2004 – The Commission deferred approval of the minutes to a future meeting.

ADMINISTRATIVE
MATTERS

The Commission took up the following under administrative matters:

Status of appeals filed on Planning Commission decisions – Corporation Counsel – Ms. O’Toole reported on the Doutor appeal, that briefs have all been filed and the argument is scheduled for July 26th in Judge Ibarra’s court.

June 28th memo regarding Crown Castle International’s SPP 03-018 and the Intervenor’s inability to attend contested case hearings - Ms. O’Toole noted the reason for this memo is to request that the Commission conduct the contested case hearing instead of a hearing officer since the intervenor will be unable to appear at the hearing or even question any of the witnesses.

ADJOURNMENT

There being no further business the Chair declared the meeting adjourned at 12:48 p.m.

A T T E S T:

Respectfully submitted,

Earl Fujikawa, First Vice-Chairman
Planning Commission

Sharon M. Nomura, Secretary

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