

PLANNING COMMISSION
COUNTY OF HAWAI'I

MINUTES
AUGUST 3, 2007

The Planning Commission met in regular session at 9:11 a.m. in the County of Hawaii, Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawaii, with First Vice-Chairman C. Kimo Alameda presiding.

PRESENT: C. Kimo Alameda
Takashi Domingo
Andrew Iwashita
Shelly Ogata
Alvin Rho
Rene' Siracusa
Rell Woodward

ABSENT & EXCUSED: William Graham
Rodney Watanabe

Ivan Torigoe, Deputy Corporation Counsel
Brad Kurokawa, Deputy Planning Director
Phyllis Fujimoto, Staff Planner
Jeff Darrow, Staff Planner

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

All those testifying were duly sworn in.

SPP 07-000043
PAUL BLECK
KAHUKU,
KAU

The Commission took this item up at 9:13 a.m. with approximately 60 people from the public in attendance.

APPLICANT: PAUL BLECK (SPP 07-000043)

Special Permit to allow the establishment of a rock crushing facility and quarry operation on approximately 10 acres of land situated within the State Land Use Agricultural district. The property is located approximately 5 miles mauka (north) of the Hawaii Belt Road (Highway 11) approximately 500 feet north of the Poinciana Drive - Koa Lane intersection, Hawaiian Ocean View Estates Subdivision, Kahuku, Kau, Hawaii, TMK: 9-2-179: Por. 4.

Neither the applicant nor his representative was in attendance.

Mr. Darrow noted the applicant in his July 16, 2007 letter requested a continuance of the hearing to the September Kona meeting to comply with the Planning Department's

request to provide further information regarding flora, fauna and archaeological resources located on the property.

It was moved by Commissioner Siracusa and seconded by Commissioner Domingo that the hearing be continued to the September Kona meeting. Mr. Woodward strongly suggested a condition be imposed that the applicant be required to pay his fair share for the maintenance of the private roadway to the HOVE Road Maintenance Corporation, to which Mr. Darrow said the Planning Department is considering this matter. A roll call vote was taken and motion carried with seven ayes (Siracusa, Domingo, Iwashita, Ogata, Rho, Woodward and Alameda) and two absent and excused (Graham and Watanabe).

USE 07-000008
WAIAKEA
CONGREGATION
OF JEHOVAH'S
WITNESSES
WAIAKEA,
SOUTH HILO

The Commission took this item up at 9:13 a.m. with approximately 60 people from the public in attendance.

**APPLICANT: WAIAKEA CONGREGATION OF JEHOVAH'S WITNESSES
(USE 07-000008)**

Use Permit to allow the establishment of a church and related improvements on approximately one acre of land within the Single-Family Residential 10,000 square foot (RS-10) zoned district. The property is located on the east side of Kilauea Avenue, approximately 900 feet north of the Kilauea Avenue-Haihai Street intersection, Waiakea Homestead House Lots, Waiakea, South Hilo, Hawaii, TMK: 2-2-43: 36.

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. He added that correspondence have been received from applicant dated 7/10/07 in response to DPW and DWS comments, from Paul Murray dated 7/18/07 expressing his concern of on-street parking, and DWS dated 7/16/07 providing comments and conditions. He said in response to latest correspondence, the Planning Department is recommending Condition 2 regarding water and Condition 5 regarding parking be imposed, with renumbering of the remaining conditions.

In response to Commissioner Siracusa's information, Mr. Darrow noted that the number of parking stalls will be determined when the applicant comes in for plan approval, noting the current plans are conceptual in nature. He stated that Chapter 25, Zoning Code, would require one stall for each 75 square feet of gross floor area. He noted a unique condition being proposed would require the applicant to maintain a 30-foot setback along the entire property boundary to minimize visual and noise impacts to the surrounding neighbors, adding that the Planning Department's Rule No. 17 (Landscaping Requirements) would have to be complied with.

Commissioner Rho expressed his concern about the enforceability of the condition that would prohibit parking on Kilauea Avenue. Mr. Darrow said there was a suggestion that signs be posted; however, that would require the approval of the County Council. Mr. Darrow added that it would be made clear to the applicant that parking would not be allowed on the public roadway; and if there is a complaint, the Department follows up with an inspection and a notice of violation could be issued to the applicant.

Mr. Darrow also brought to the Commission's attention a proposed condition requiring the applicant to set aside a 10-foot future road widening setback.

The applicant's representatives, Newton Chu and Greg Mooers, were in attendance.

Mr. Mooers stated that Mr. Darrow explained the project thoroughly and the applicant is in agreement with all of the proposed conditions.

In response to Commissioner Domingo's inquiry regarding the Council enacting an ordinance that would prohibit parking on Kilauea Avenue, Mr. Mooers said it was certainly acceptable to him as his experience is that people are not parking on Kilauea Avenue since it would block one of two lanes of traffic. Commissioner Domingo then said in reconsidering the matter he thought it might not be such a good idea to have such an ordinance since the other families in the area may not be agreeable and their frustration might be directed to the applicant. Commissioner Domingo then suggested the applicant inform the congregation not to park on Kilauea Avenue.

Commissioner Siracusa suggested the applicant arrange with a surrounding land owner to use his/her property to take any overflow from the church, to which Mr. Chu said he did not think it would be necessary as they would be able to have tandem parking (double parking) during special and rare occasions, such as weddings and funerals.

Mr. Darrow at this time noted that a packet containing letters of support from the applicant were distributed to the Commission this morning.

There was no one from the public wishing to testify on the application.

It was moved by Commissioner Domingo and seconded by Commissioner Woodward that the application be approved as recommended by the Planning Director with the following new conditions and the remaining conditions be renumbered.

2. Prior to the issuance of a water commitment by the Department of Water Supply, the applicant shall submit the anticipated maximum daily water usage calculations as recommended by a registered engineer, and a water commitment deposit in accordance with the "Water Commitment Guidelines Policy" to the Department of Water Supply within one hundred and eighty days from the effective date of this permit.
5. All parking shall be on-site and parking is prohibited off-site along Kilauea Avenue.

Commissioner Domingo spoke in support of the application as from his personal experiences Jehovah Witnesses were sincere people who followed through with their commitments, adding the structures would be a welcome sight in the community. Commissioner Domingo added that with proper direction tandem parking will be done which would address the concern of parking on Kilauea Avenue, and liquor is not served at their gatherings. Commissioner Siracusa said that as she was tempted to vote against the application since Jehovah Witnesses have come at the most inopportune time, such as when she was very ill, she will take the moral high ground and vote in favor of the application inasmuch as she felt everyone has a right to practice their religion provided it does not hurt anyone. A roll call vote was taken and motion carried with seven ayes (Domingo, Woodward, Iwashita, Ogata, Rho, Siracusa and Alameda) and two absent and excused (Graham and Watanabe).

RECESSED

The Chair called a short recess at 9:48 a.m.

RECONVENED

The meeting reconvened at 10:00 a.m.

AMEND CHAPTER 25
COUNTY COUNCIL
OFF-STREET PARKING
AND LOADING

The Commission took this item up at 10:00 a.m. with 4 people from the public in attendance.

INITIATOR: COUNTY COUNCIL

Amendment to Chapter 25 (Zoning Code), Hawaii County Code 1983 (2005 Edition), as amended, relating to off-street parking and loading. The proposed amendment (Bill No. 79 Draft 2) would increase the number of public parking spaces for various establishments.

(SEE EXHIBIT A)

AMEND CHAPTER 23
COUNTY COUNCIL
SUBDIVISIONS OF
SEVEN OR MORE LOTS

The Commission took this item up at 10:08 a.m. with 4 people from the public in attendance.

COUNTY COUNCIL

Amendments to Chapter 23, Hawaii County Code 1983 (2005 Edition), as amended, relating to Subdivisions, and Chapter 25 (Zoning Code), Hawaii County Code 1983 (2005 Edition), as amended. The proposed amendments would require subdivisions of seven or more lots to be processed in the same manner as a change of zone in accordance with Hawaii County Code Chapter 25 (Zoning Code), Sections 25-2-42 and 25-2-43.

(SEE EXHIBIT B)

AMEND CHAPTER 25
COUNTY COUNCIL
P.U.D. AND C.P.D.
APPLICATIONS

The Commission took this item up at 11:11 a.m. with 4 people from the public in attendance.

INITIATOR: COUNTY COUNCIL

Amendments to Chapter 25 (Zoning Code), Hawaii County Code 1983 (2005 Edition), as amended, relating to Planned Unit Development (P.U.D.) and Cluster Plan Development (C.P.D.) applications. The proposed amendments would 1) require P.U.D applications consisting of seven or more lots to be processed in the same manner as a change of zone in accordance with Hawaii County Code Chapter 25 (Zoning Code), Sections 25-2-42 and 25-2-43; and 2) require C.P.D. applications to be processed as prescribed for a subdivision application under Chapter 23 (Subdivisions), "Application for Subdivision of Seven or More Lots."

(SEE EXHIBIT C)

MINUTES

At 11:35 a.m., the Commission took up the following minutes:

July 6, 2007 - The Commission deferred the approval of the minutes to a future meeting.

ADMINISTRATIVE
MATTERS

The Commission took up the following under administrative matters at this time, 11:33 a.m.:

County Ethics Code – Mr. Torigoe informed the Commission of Section 2-91.4 of the Hawaii County Code where it prohibits the Commission in receiving directly or indirectly any gift in any kind or form under circumstances at which it can be reasonably inferred that the gift is intended to influence the Commission in the performance of its official duties or is intended as a reward for any official action on the part of the Board. To err on the side of caution, the Commission decided to return a package of coffee to an applicant who wished to thank the Commission for its action on a rezoning application.

HCPO Conference - September 26-28, 2007 - Ms. Fujimoto urged the Commission to notify the Planning Department as soon as possible on their attendance at this conference.

August Commission Meeting – Ms. Fujimoto noted the next meeting is scheduled for August 31, 2007 in Kona with 14 items on the agenda. She requested the Commission inform the staff on their attendance to be sure there is a quorum for the meeting.

September Commission Meetings – Ms. Fujimoto noted the subsequent meetings are scheduled for September 7, 2007 at the Aupuni Center in Hilo and September 21, 2007 at the Waikoloa Marriott.

ADJOURNMENT

There being no further business, the Chair declared the meeting adjourned at 11:40 a.m.

Respectfully submitted,

Sharon M. Nomura, Secretary

A T T E S T:

C. Kimo Alameda, First Vice-Chairman
Planning Commission