

PLANNING COMMISSION
COUNTY OF HAWAI'I

MINUTES
SEPTEMBER 16, 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 Chairman Fred Galdones presiding.

PRESENT: Fred Galdones
William Graham
Jeffrey McCall
Rene' Siracusa
Hannah Springer

ABSENT & EXCUSED: C. Kimo Alameda
Earl Fujikawa
Francis Smith
Bill Thibadeau

Ivan Torigoe, Deputy Corporation Counsel
Christopher J. Yuen, Planning Director
Norman Hayashi, Planning Program Manager
Phyllis Fujimoto, Staff Planner
Jeff Darrow, Staff Planner (Left at 1:15 p.m.)

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

All those testifying were duly sworn in.

SP 04-001 The Commission took this item up at 9:07 a.m. with
MICHAEL AND approximately 10 people from the public in attendance.
MISATO MORTARA
KEAAU,
PUNA

APPLICANT: MICHAEL AND MISATO MORTARA (SP 04-001)

Continued hearing, including discussions on the Hearing Officer's proposed Findings of Fact, Conclusions of Law, and Decision and Order, and any exceptions and /or oral arguments of the parties, on the application for a Special Permit to allow the establishment of an art studio on 39,608 square feet of land situated within the State Land Use Agricultural District. The property is located between the Volcano Highway (State Highway 11) and the old Volcano Road, approximately 200 feet west (Ka'u side) of Alii Kane Street and approximately 1 mile east (Keaau side) of the Volcano Solid Waste Transfer site, Royal Hawaiian Estates Subdivision, Keaau, Puna, Hawaii, TMK: 1-1-17:88 and 89.

(SEE EXHIBIT A)

RECESSED

The Chair called a short recess at 10:06 a.m.

RECONVENED

The meeting reconvened at 10:15 a.m.

SPP 03-018

**SPECTRASITE
COMMUNICATIONS, INC.
KEAAU,
PUNA**

The Commission took this item up at 10:15 a.m. with approximately 13 people from the public in attendance.

APPLICANT: SPECTRASITE COMMUNICATIONS, INC. (SPP 03-018)

Request by the Planning Director that the Planning Commission conduct the contested case hearing on the application of Spectrasite Communications, Inc. rather than hire a hearing officer since the Intervenors informed the Planning Department that they will not be able to attend any scheduled hearing. The Special Permit application is to allow the retention of an existing 200-foot telecommunications tower and antenna, communication equipment building, four satellite dishes, generator and fuel tanks, and related improvements. The property is located approximately 2.5 miles north of Highway 11, at the corner of Kulani Road and South Road, Olaa Reservation Lots, Keaau, Puna, Hawaii, TMK: 1-7-17:portion of 153.

(SEE EXHIBIT B)

**SLU 03-006/REZ 03-014/
SMA 03-009
CONTINENTAL
PACIFIC, LLC
PEPEEKEO,
SOUTH HILO**

The Commission took this item up at 10:27 a.m. with approximately 10 people from the public in attendance.

**APPLICANT: CONTINENTAL PACIFIC, LLC (SLU 03-006/REZ 03-014/
SMA 03-009)**

Continued hearings on the following applications:

- a. Application for a State Land Use Boundary Amendment for 4.182 acres of land from the Agricultural to the Urban District.
- b. Application for a Change of Zone for 13.478 acres of land from Limited Industrial-20,000 square feet (ML-20), General Industrial-5 acres (MG-5a), Village Commercial-10,000 square feet (CV-10) and Agricultural 20-acre (A- 20a) to Single Family Residential-20,000 square feet (RS-20) and ML-20 districts.
- c. Application for a Special Management Area (SMA) Use Permit to allow the development of an 11-lot subdivision, including portion of a roadway lot, and related improvements.

The area involved includes the former Hilo Coast Processing Mill complex and surrounding former sugar cane lands at Pepeekeo, South Hilo, Hawaii, TMK: 2-8-07: portions of 1 and 53.

(SEE EXHIBIT C)

SMA 03-016
CONTINENTAL
PACIFIC, LLC
PEPEEKEO,
SOUTH HILO

The Commission took this item up at 12:25 a.m. with approximately 12 people from the public in attendance.

APPLICANT: CONTINENTAL PACIFIC, LLC (SMA 03-016)

Application for a Special Management Area (SMA) Use Permit to allow the development of an 11-lot subdivision, ranging in sizes from 2.0 acres to 5.6 acres, and related improvements. The area involved is located approximately 1,900 feet south of the Hilo Coast Processing Co.'s Power Plant and about 150 feet east (mauka) of the shoreline, Pepeekeo, South Hilo, Hawaii, TMK: 2-8-08: portion of 100.

(SEE EXHIBIT D)

RECESSED

The Chair called a short recess at 1:15 p.m.

RECONVENED

The meeting reconvened at 2:37 p.m.

REZ 04-014
AUTOMOTIVE
SUPPLY CENTER, LTD.
WAIAKEA,
SOUTH HILO

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

APPLICANT: AUTOMOTIVE SUPPLY CENTER, LTD. (REZ 04-014)

Change of Zone for 22,300 square feet of land from a Single Family Residential -10,000 square foot (RS-10) to an Industrial - Commercial Mixed 20,000 square foot (MCX-20) district. The property is located along the south side of Lanikaula Street, approximately 200 feet west of the Lanikaula Street - Kanoelehua Avenue intersection, and one lot west of Leung's Chop Suey House, Waiakea, South Hilo, Hawaii, Tax Map Key (3) 2-2-49:26.

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 recommended approval of the application with conditions.

The applicant's representative, Sidney Fuke, stated that the staff's background report and recommendation were acceptable to the applicant.

Ms. Siracusa said she had a concern on the amount of traffic this business generates and suggested a right-hand turn only out of the parking lot, noting the applicants do have access currently from another location.

Mr. Fuke spoke of the need for the expansion and noted the applicant wishes to maintain the existing orientation of the area, which is primarily towards automobiles. He said they did look at the Police Department's comment about limiting left-turn movements; however, they felt what is being asked right now is sufficient given the existing traffic pattern, the County's requirement of curbs, gutters, and sidewalks, and there is a high level of visibility since the roadway is relatively straight. He said if the property were located on a Kawili Street type of intersection where you have all movements, then the issue raised on a limited access would probably be very germane and other things may need to be done; however, Lanikaula Street basically does not allow for a full cross movement, wherein if one were on Lanikaula Street at Leung's the only movement is basically a right turn.

In response to Commissioner Springer's solicitation for comments, Mr. Yuen said the Planning Department did not impose a condition to limit the turning movements, given that the Department of Public Works did not request any special accommodations.

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

It was moved by Commissioner Springer and seconded by Commissioner McCall to send a favorable recommendation to the County Council for the reasons and with the conditions recommended by the Planning Director. Commissioner Graham said although he did not know this intersection well enough to offer any real substantive comments, his remarks were that generally he feels the Police Department's comments have merit, but as the Director indicated the Department of Public Works has a stronger voice; process wise it was okay to support the request; and if first-hand experience tells you it is not the right thing to do, then one needs to stay with what you know. A roll call vote was taken and motion carried with five ayes (Springer, McCall, Siracusa, Graham and Galdones) and four absent and excused (Alameda, Fujikawa, Smith, and Thibadeau).

REZ 04-015
ISLAND OHANA
DENTAL
WAIAKEA,
SOUTH HILO

The Commission took this item up at 2:48 p.m. with two people from the public in attendance.

APPLICANT: ISLAND OHANA DENTAL (REZ 04-015)

Change of Zone for 22,300 square feet of land from a Single Family Residential – 10,000 square foot (RS-10) to an Industrial – Commercial Mixed 20,000 square foot (MCX-20) district. The property is located along the north side of Lanikaula Street, approximately 100 feet west of the Lanikaula Street – Kanoelehua Avenue intersection, adjacent to and west of the Osaka Restaurant building, and also diagonally across from Leung's Chop Suey House, Waiakea, South Hilo, Hawaii, Tax Map Key (3) 2-2-37:31.

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 recommended approval of the application with conditions.

In response to Commissioner Springer's inquiries, Mr. Hayashi noted that this particular request would fit into this area of a mix of commercial and industrial/commercial uses and the current General Plan shows the industrial designation up until Kalanikoa Street, and perhaps extending one tier along Kalanikoa Street on the mauka side.

The applicant's representative, Sidney Fuke, stated the staff's background report and recommendation were acceptable.

In response to Commissioner Siracusa's inquiry, Mr. Fuke complimented Commissioner Siracusa and the Planning Staff in picking up his error, wherein Page 12, Item B, third line, "automotive retail store" should reflect a "dental office." He said the property is currently vacant, there is an abandoned dwelling or old shed, and the old lychee and avocado trees will be replaced with landscaping pursuant to Chapter 17 of the Planning Department's rules, noting landscaping along the section that abuts a residentially-zoned area becomes critical. He said if the 5/8" water meter is not sufficient, the applicant would have to purchase a 1" meter to service the subject property, noting Condition B requires the applicant to obtain the required water commitments within 90 days. He added that a solid waste management plan shall be submitted to and approved by the Department of Environmental Management; however, the applicant does not want it specifically articulated in the conditions at the present time in case the project turns out not necessarily to be a dental office but a planning consultant's office.

Mr. Fuke agreed with Mr. McCall that those in the medical profession would have to abide by State Department of Health regulations to accommodate medical wastes, etc.

In response to Commissioner Graham's inquiry, Mr. Fuke said if they do not have the sufficient width to accommodate their proposed traffic layout of a one-way in and one-way out type of system, they would have to propose another plan that would have to meet with the approval of the Department of Public Works.

It was moved by Commissioner Springer and seconded by Commissioner McCall to send a favorable recommendation to the County Council for the reasons and with the conditions as recommended by the Planning Director, with a typographical correction to proposed Condition B after the words "90 days" change "form" to "from." A roll call vote was taken and motion carried with five ayes (Springer, McCall, Siracusa, Graham and Galdones) and four absent and excused (Alameda, Fujikawa, Smith, and Thibadeau).

REZ 04-016
BETTY WUNG
WAIAKEA
HOMESTEADS 2ND SERIES,
SOUTH HILO

The Commission took this item up at 3:00 p.m. with two people from the public in attendance.

APPLICANT: BETTY WUNG (REZ 04-016)

Change of Zone for approximately 2.511 acres of land from an Agricultural 3-acre (A-3a) to a Single-Family Residential 15,000 square feet (RS-15) district. The property is located along the south side of Haihai Street, approximately 600 feet from the Haihai Street - Kupulau Street intersection and across from Hoaloha Street, Waiakea Homesteads 2nd Series, South Hilo, Hawaii, TMK: 2-4-38: 16.

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 recommended approval of the application with conditions.

In response to Commissioner Siracusa's inquiry, Mr. Hayashi said the private driveway will be situated on the east property line, and a map and layout of the proposed subdivision was sent to the adjoining property owners.

Commissioner Graham noted that in the subdivisions above, everything seems planned and orderly where the streets all intersect, etc., and below it appears to be a mishmash; and he then questioned whether the Planning Department had any tools to bring out an orderly growth, or it was just the way all developments take place if there is not one big property owner. Mr. Yuen said it was good point but he did not have a solution for the way the ownerships are laid out.

In response to Commissioner McCall's comment, Mr. Hayashi noted that the Council deleted the Planning Commission's proposed condition for the Yamada rezoning to have their driveway access intersect with Hanohano Street.

Commissioner Siracusa said although the subject property is not classified as prime or unique agricultural land, the soil study indicates the land could be fairly productive for specific types of crops, adding she was having difficulty allowing agricultural lands to be urbanized and paved over. Mr. Yuen said although Commissioner Siracusa had a very legitimate concern, the property is designated for urban expansion in the General Plan.

The applicant's representative, Sidney Fuke, gave some background information and noted the intent is to do a 6-lot subdivision. He said they would like to leave the discretion on aligning their driveway access to Haihai Street with the Department of Public Works inasmuch as it may be deemed more appropriate to have the road on the makai side to enable a possible north/south type of connection if and when the adjoining property on the makai side begins to develop. He said the applicant does not intend to do mass grading of the property, noting the existing citrus trees add to the value of the potential lots.

Jeff Scofield, adjoining property owner, noted his concerns about increased traffic, noise, safety for his two young children, and no provision for a buffer zone or any landscaping. He pointed out that the previous owner of his property built a rockwall on the property in question in error, and he was concerned that the rockwall would come down to build the roadway. He said when he found out about this plan, he contracted someone to do some plantings on his property, but unfortunately that person contracted has been hospitalized and been unable to do the work. He noted that the back of his house to the edge of his property is approximately 30 feet.

In response to Commissioner Siracusa's inquiry, Mr. Fuke said the Code requires a minimum right-of-way of 20 feet with a 16-foot pavement for a subdivision of six or less lots; and as the applicant, per his engineer, is proposing a 32-foot wide right-of-way, they would have no objections if the Commission wishes to impose a minimum 6-foot wide landscaped buffer along the property line adjoining Mr. Scofield's property. Mr. Fuke agreed with Mr. Yuen that it would make sense to run the road on the makai side so that when the adjacent lot owner decides to develop they will share a common access out to Haihai Street. Commissioner Siracusa felt if the roadway is to go on the mauka side a condition should be imposed that there be a landscaping buffer.

Mr. Fuke noted that if the road is on the makai side of the property, Mr. Scofield's concern of quality of life disappears.

For Commissioner McCall's information, Mr. Hayashi noted that the subdivision owners would own, maintain and assume liability of the roadway lot.

Mr. Fuke referred to a fatality where the driver ran a stop sign thinking the road was a through street. Commissioner Siracusa said that potential misconception could be mitigated by having the developer put a private drive sign at his entrance, to which Mr. Fuke said there were different ways to accommodate that situation.

The Director and Mr. Fuke agreed with Commissioner McCall's suggestion of a 6-foot landscaped buffer if the roadway is on the mauka boundary.

Commissioner Graham informed Mr. Scofield that the Planning Commission is an advisory body and the County Council makes the final decision; and he then suggested Mr. Scofield obtain the support of other landowners in the area in case he needs to make a case before the County Council.

Mr. Hayashi then suggested a friendly amendment to Condition B by changing the word "form" to "from" after the words "90 days."

It was moved by commissioner Springer and seconded by Commissioner McCall to send a favorable recommendation to the County Council for the reasons and with the conditions recommended by the Planning Director, with the following amendments:

- B. The applicant shall submit the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this change of zone.

- F. Provide a minimum six-foot high landscaping buffer on the makai (east) side of the subject property.

A roll call vote was taken and motion carried with five ayes (Springer, McCall, Siracusa, Graham, and Galdones) and four absent and excused (Alameda, Fujikawa, Smith, and Thibadeau).

RECESSED

The Chair called a short recess at 3:32 p.m.

RECONVENED

The meeting reconvened at 3:42 p.m.

**REZ 04-019
WKSP LIMITED
PARTNERSHIP
WAIAKEA,
SOUTH HILO**

The Commission took this item up at 3:42 p.m. with two people from the public in attendance.

APPLICANT: WKSP LIMITED PARTNERSHIP (REZ 04-019)

Change of Zone for approximately 59,356 square feet of land from a Neighborhood Commercial – 10, 000 square feet (CN-10) to an Industrial Commercial Mixed – 20,000 square feet (MCX-20) district. The property is the site of the existing Waiakea Kai Shopping Plaza located at the northwest corner of Kanoiehua Avenue (State Highway 11) and Kuawa Street, Waiakea, South Hilo, Hawaii, TMK: 2-2-32:93.

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 recommended approval of the application with conditions.

For Commissioner McCall’s information, Mr. Hayashi and Mr. Yuen explained some of the uses allowed within the CN and MCX zoned districts. Mr. Hayashi noted the entire property is paved, the parking stalls were striped, and trees are used for landscaping within and bordering the property.

Mr. Fuke stated he did receive the Planning Department’s background report and recommendation, and the proposed conditions were acceptable to the applicant.

Referring to Commissioner McCall's inquiry, Mr. Fuke indicated the types of uses that would not be allowed in the commercial/neighborhood zone were such things as a bar, a motorcycle shop, and a woodcrafting area. He noted that before the 1960 tidal wave, this area had a thriving community; subsequently, however, the CN zone in this particular area is functionally obsolete.

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 to forward a favorable recommendation to the County Council for the reasons and with the conditions recommended by the Planning Director. Commissioner Graham questioned the rationale for Condition C, securing final plan approval, since there is no plan proposed at this time. Mr. Hayashi noted this condition would apply if additions are made to the existing structure; and Mr. Yuen noted this condition should probably be deleted since the applicant would be out of compliance with the Zoning Code if he does work within the existing and that work does not require plan approval. There was a discussion on deleting other conditions that referred to time limitations. The maker of the motion and seconder agreed to an amendment to the motion to delete Conditions B, C, K and L. A roll call vote was taken on the motion, as amended, and it was carried with five ayes (Springer, McCall, Siracusa, Graham and Galdones) and four absent and excused (Alameda, Fujikawa, Smith and Thibadeau).

REZ 04-021
GLENN AHUNA
WAIAKEA,
SOUTH HILO

The Commission took this item up at 3:49 p.m. with approximately two people from the public in attendance.

APPLICANT: GLENN AHUNA (REZ 04-021)

Change of Zone for approximately 9,367 square feet of land from a Single Family Residential – 10,000 square feet (RS-10) to a Residential – Commercial Mixed Use – 10,000 square feet (RS-10) district. The property is located along the south side of Mohouli Street, approximately 83 feet west of the Mohouli Street – Kinoole Street intersection, Waiakea, South Hilo, Hawaii, TMK: 2-2-21:30.

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 recommended approval of the application with conditions.

In response to Commissioner Graham's inquiry, Mr. Hayashi noted that the agenda should read the change is from an RS-10 to RCX-10 zoned district and there should not be a public notice problem as the agenda does state Residential – Commercial Mixed Use.

Mr. Hayashi said the applicant intends to just renovate the existing dwelling and not necessarily make any kind of substantial improvements to the property.

In response to Commissioner Springer's inquiry, Mr. Yuen said Mr. Ahuna can live in the existing dwelling and have his office as a home occupation with one employee without changing the RS zoning designation. He said he suspects Mr. Ahuna wants to change the zoning designation to RCX because he does not want to live in the dwelling and wants to open an office; he noted, however, if Mr. Ahuna changes his mind he could still live in the dwelling since it is designated RCX.

For Commissioner McCall's information, Mr. Yuen said one can conduct a home occupation (i.e., offices for an engineer, accountant, consultant, or beautician) within a home or accessory building on a residentially zoned land, with certain restrictions such as no exterior signage. He noted there are certain things that are prohibited from being a home occupation, such as an auto body shop where it can only be done in the industrial zones. He added a special permit would be required if the land is in the Agricultural District, noting his unsuccessful attempts to have a bill passed in the Legislature that would allow each county to allow home occupations in the Agricultural Districts under County zoning.

The applicant's representative, Sidney Fuke, said Mr. Ahuna has reviewed the background report and recommendation and found them to be accurate. He added that as the existing dwelling is a very small structure, Mr. Ahuna's long-term plan is to have his office in the existing dwelling and build his retirement home somewhere else.

For Commissioner Siracusa's information, Mr. Fuke noted that the big concrete channel alongside the property is really a flood channel. He said during rains the water from the Waiakea Uka area flows into this channel and then eventually out to Wailoa Pond.

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 to send a favorable recommendation to County Council for the reasons and with the conditions recommended by the Planning Director. A roll call vote was taken and motion carried with five ayes (Springer, McCall, Siracusa, Graham and Galdones) and four absent and excused (Alameda, Fujikawa, Smith, and Thibadeau).

SPP 04-011
CHARLES AND
JELENA CLAY
HONOMU,
SOUTH HILO

The Commission took this item up at 4:08 p.m. with no one from the public in attendance.

APPLICANT: CHARLES AND JELENA CLAY (SPP 04-011)

Special Permit to allow establishment of a construction and an art business, including teaching, public display and sales of art products, on a 26,350 square foot area within the State Land Use Agricultural District. The property is located 490 feet south of Akaka Falls Road and approximately 2 miles east (mauka) of Honomu Village, Honomu, South Hilo, Hawaii, TMK: 2-8-11: portion 23.

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 recommended approval of the application with conditions.

The applicant, Jelena Clay, stated she did receive the background report and recommendation, and noted the various plants grown on the property.

Mr. Yuen, at this time, amended Condition No. 5 to limit the size of the two signs to 8 square feet each, to which Ms. Clay had no objections.

Upon Commissioner Graham's inquiry, staff recommended the deletion of Condition No. 8 regarding a time extension.

In response to Commissioner McCall's inquiry, Ms. Clay said that they are living on the property while constructing the structure since they have had four thefts of over \$6000 worth of construction materials. Mr. Darrow indicated on the location map the approximate location of the structure being built and the steam within the area.

It was moved by Commissioner Springer and seconded by Commissioner McCall that the application be approved based on and incorporating the Planning Director's recommendation with Condition No. 8 deleted and Condition No. 5 amended to read as follows: "Only two signs shall be allowed for the request: one small sign along Akaka Falls Road and one sign fronting the structure for the construction/art business. Each sign shall be no larger than 8 square feet." A roll call vote was taken and motion carried with five ayes (Springer, McCall, Siracusa, Graham and Galdones) and four absent and excused (Alameda, Fujikawa, Smith, and Thibadeau).

MINUTES

The Commission took up the following at 4:20 p.m.

July 16, 2004 – It was moved by Commissioner Springer and seconded by Commissioner Graham that the minutes be approved as circulated. Motion was unanimously carried by a voice vote of all Commissioners in attendance.

ADJOURNMENT

There being no further business, the Chair declared the meeting adjourned at 4:21 p.m.

Respectfully submitted,

Sharon M. Nomura, Secretary

A T T E S T:

Fred Galdones, Chairman
Planning Commission

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