

PLANNING COMMISSION
COUNTY OF HAWAI'I

MINUTES
DECEMBER 2, 2004

The Planning Commission met in regular session on December 2, 2004 at 9:30 a.m. in the Hapuna Beach Prince Hotel, Hau/Lehua Room, 62-100 Kaunaoa Drive, Kohala Coast, Hawaii with First Vice-Chair Earl Fujikawa presiding.

PRESENT: Earl Fujikawa ABSENT & EXCUSED: Fred Galdones
 C. Kimo Alameda René Siracusa
 Jeffrey McCall William Graham
 Francis Smith
 Hannah Springer

Ivan Torigoe, 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

And approximately 10 people from the public in attendance.

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

SMA NO. 304 The Commission took this item up at 9:30 a.m. with
SCD KAHAKAI, LLC approximately 10 people from the public in attendance.
PUAPUAA,
NORTH KONA

APPLICANT: SCD KAHAKAI, LLC (SMA NO. 304)

Continued hearing on the request to amend Special Management Area Use Permit No. 304 by increasing the number of allowable residential lots from 98 to 101. The area involved includes the Kahakai Estates Subdivision situated along the southwest (makai) side of Kuakini Highway and north-northeast of Kahakai Elementary School, Puapuaa, North Kona, Hawaii, TMK: 7-5-20:78 (formerly portion of 7-5-20: portion of 1).

(SEE EXHIBIT A)

SMA 04-008 The Commission took this item up at 9:55 a.m. with
STEVE HOLMES approximately 10 people from the public in attendance.
KAHALUU BEACH LOTS,
NORTH KONA

APPLICANT: STEVE HOLMES (SMA 04-008)

Continued hearing on the application for a Special Management Area (SMA) Use Permit to allow the conversion of a single family dwelling into a 3-unit multiple family residential structure and related improvements. The 5,419-square foot property is located 230 feet east (mauka) of Alii Drive and Kahaluu Beach Park, Kahaluu Beach Lots, North Kona, Hawaii, TMK: 7-8-14:41.

(SEE EXHIBIT B)

RECESSED

The Chair called a short recess at 10:29 a.m.

RECONVENED

The meeting reconvened at 10:39 a.m.

The Commission held a moment of silence for Commissioner Bill Thibadeau who recently passed away.

SLU 04-011/REZ 04-026
ROBERT & CHRISTINE
ALMEIDA
OULI,
SOUTH KOHALA

The Commission took these items up at 10:40 a.m. with approximately 8 people from the public in attendance.

APPLICANTS: ROBERT AND CHRISTINE ALMEIDA (SLU 04-011/REZ 04-026)

- a. State Land Use Boundary Amendment for 6.507 acres from the Agricultural to the Rural District.
- b. Change of Zone for 6.507 acres from an Agricultural 5-acre (A-5a) to a Residential and Agricultural 2-acre (RA-2a) district.

The property is located along the south side of Kawaihae Road (Highway 19) with access from Anekona Street, Anekona Estates Subdivision, Ouli, South Kohala, Hawaii, TMK: 6-2-11:33.

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 this matter was continued at the last meeting due to a lack of a quorum. He noted since the Background report was prepared in October, the following agencies submitted comments on the request: Department of Public Works, Department of Water Supply, Police Department, Fire Department, Land and Natural Resources-Land Division, Department of Transportation and Land Use Commission. He stated the Planning Director is recommending approval of both requests, with conditions to the change of zone application.

The applicants' representative, Gregory Mooers, noted the subject property is one of the remaining few lots in the subdivision that has not been redistricted and rezoned in the area. He pointed out that this lot is precluded from being more than two subdivided lots because a good portion of the property is an easement.

For Commissioner McCall's information, Mr. Mooers said the ownership of the easement will be determined at the time the lot is subdivided.

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

On the State Land Use Boundary Amendment Request, it was Commissioner Springer and seconded by Commissioner Smith to send a favorable recommendation to the Hawai'i County Council for the reasons as recommended by the Planning Director, including the amendments to page 4 of the Background Report regarding agencies' responses. A roll call vote was taken and motion carried with five ayes (Springer, Smith, Alameda, McCall and Fujikawa) and three absent and excused (Galdones, Graham and Siracusa).

On the Change of Zone request, it was Commissioner Springer and seconded by Commissioner Smith to send a favorable recommendation to the Hawai'i County Council for the reasons and with the conditions as recommended by the Planning Director, including the amendments to page 4 of the Background Report regarding agencies' responses. A roll call vote was taken and motion carried with five ayes (Springer, Smith, Alameda, McCall and Fujikawa) and three absent and excused (Galdones, Graham and Siracusa).

REZ 04-018
HOAWE, LLC
KEALAKEHE,
NORTH KONA

The Commission took this item up at 10:48 a.m. with approximately 6 people from the public in attendance.

APPLICANT: HOAWE, LLC (REZ 04-018)

Change of Zone for approximately 4.006 acres from an Agricultural 1-acre (A-1a) to a Single Family Residential 15,000-square foot (RS-15) district. The properties are located at the western end of Pamahoa Place, approximately 600 feet from the Palani Road – Pamahoa Place intersection, Pamahoa Estates Subdivision, Kealakehe Homestead Lots, North Kona, Hawaii, TMK: 7-4-4:80 – 83.

(SEE EXHIBIT C)

RECESSED

The Chair called a recess at 11:43 a.m.

RECONVENED

The meeting reconvened at 11:53 a.m.

SLU 04-010/REZ 04-024
SUFFOLK
INVESTMENT, LLC
PUAAPUAIKI 1ST AND
PUAAPUANUI 1ST,
NORTH KONA

The Commission took up these following two items simultaneously at 11:53 a.m. with approximately six people from the public in attendance.

certified shoreline approved December 11, 2003 by the Board of Land and Natural Resources. He stated that the Planning Director is recommending denial of the application and noted the November 18th and December 1st letters from the applicant's representative requesting the hearing be continued and, also, that a site inspection be conducted as the applicants would like to be present at the hearing.

The applicant's representative, Randy Vitousek, summarized the request and said there are approximately 24 ocean front lots in Kona Bay Estates, of which 18 have pools in front of their yards, noting those pools were built at a time when the shoreline had been certified a little further makai. He requested that the Planning Commission conduct a site visit and a hearing where the applicant could be in attendance.

Mr. Yuen stated the Planning Department does not object to the decision-making being postponed to another hearing.

Mr. Vitousek noted the staff gave a January 21st date as the next Kona meeting and the applicant would be available on that date.

There was no one wishing to testify on this matter at this time.

It was moved by Commissioner McCall and seconded by Commissioner Springer that a site visit be conducted of the subject and surrounding properties. In response to Commissioner Springer's inquiry, Mr. Vitousek noted that the site inspection would include looking at other swimming pools in the area, and looking at the location of the makai property line relative to the public access and the wall involved in the Kona Old Hawaii Trails Group versus Lyman law suit. Mr. Vitousek stressed that it was important for the Commissioners to see the relationship of the water to the property line, the shoreline, the wall and the surrounding private properties. A roll call vote was taken and motion carried with five ayes (McCall, Springer, Alameda, Smith and Fujikawa) and two absent and excused (Galdones and Graham).

It was then moved by Commissioner Springer and seconded by Commissioner McCall that the hearing be continued to the next Kona meeting on January 21, 2005, to coincide with the site visit. A roll call vote was taken and motion carried with five ayes (McCall, Springer, Alameda, Smith and Fujikawa) and two absent and excused (Galdones and Graham).

The Chair recessed the meeting at 2:15 p.m. until the scheduled 8:30 a.m. meeting on December 3, 2004.

A T T E S T:

Respectfully submitted,

Earl Fujikawa, First Vice-Chairman
Planning Commission

Sharon M. Nomura, Secretary

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To be approved by the Planning Commission.