

NOTICE OF PUBLIC MEETING AND HEARINGS

WINDWARD PLANNING COMMISSION COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of the following matters to be considered by the Windward Planning Commission of the County of Hawaii in accordance with the provisions of Chapters 91 and 92, Hawaii Revised Statutes, Section 6-4.3 of the Charter of the County of Hawaii, and the Planning Commission's Rules of Practice and Procedure.

DATE: Wednesday, July 1, 2009

TIME: 9:00 a.m.

PLACE: County of Hawaii Aupuni Center Conference Room
101 Pauahi Street, Hilo, HI 96720

UNFINISHED BUSINESS – 9:00 a.m.

1. **APPLICANT: ARROW OF OREGON/HAWAII, LLC (SPP 09-76)**
Special Permit to allow a cinder and rock quarry operation on 5.003 acres of land situated within the State Land Use Agricultural District. The properties are located at the corner of Mahimahi Drive and Liliana Lane, Hawaiian Ocean View Estates Subdivision, Kahuku, Ka'u, Hawaii, TMK: 9-2-148:1 to 5.

NEW BUSINESS – 9:15 a.m.

2. **APPLICANT: MARK JERNIGAN (SPP 09-81)**
Special Permit to allow the removal of cinder on 43,608 square feet of land situated within the State Land Use Agricultural District. The property is located along the south side of Mahimahi Drive, approximately 356 feet east of the Mahimahi Drive – Lurline Lane intersection, Hawaiian Ocean View Estates Subdivision, Kahuku, Ka'u, Hawaii, TMK:9-2-145:59.
3. **APPLICANT: PAA AINA TRUST (REZ 962)**
Amendment to condition B (time limit to secure Final Plan Approval) and related conditions of Ordinance No. 01 34, which rezoned 19,721 square feet of land from Single-Family Residential 10,000 square feet (RS-10) to General Commercial 10,000 square feet (CG-10) district. The property is located along the west (mauka) side of Kinoole Street, approximately 240 feet south (Puna side) of the Kinoole Street – Wailoa Street intersection, Waiakea, South Hilo, Hawaii, TMK: 2-2-20:7.
4. **APPLICANT: HAWAII JOHNS, INC. (SPP 09-82)**
Special Permit to allow the storage of portable toilets, parking for employee and business vehicles, and office on 1.65 acres of land situated within the State Land Use Agricultural District. The property is located at the southwest corner of Highway 19 and Kalopa Lower Road intersection, Kalopa Homesteads, Hamakua, Hawaii, TMK: 4-4-3:portion of 50.

NEW BUSINESS – 10:00 a.m.

5. **APPLICANT: ANTHEM TELECOM, LLC (SPP 09-80)**
Special Permit to allow the construction of a 150-foot telecommunication tower and related structures on approximately 10,000 square feet of land situated within the State Land Use Agricultural District. The area under consideration is located along the mauka section of Paauilo Mill Road, approximately 1,300 feet mauka of Highway 19, Paauilo, Hamakua, Hawaii, TMK: 4-3-7: portion of 10.
6. **APPLICANT: NANI MAU, INC. (LUC DOCKET NO SP73-159)**
Amendment to allow the conversion of a maintenance building into a charter school facility on a 23-acre area with the State Land Use Agricultural District. The property is a part of the Nani Mau Gardens complex located along the north side of Makalika Street, Panaewa Farm Lots Subdivision, Waiakea, South Hilo, Hawaii, TMK: 2-2-48: portion of 13.
7. **APPLICANT: MARTIN OLIVER (SPP 09-83)**
Special Permit to allow the development of a private, non-commercial airstrip on approximately 5 acres of land situated within the State Land Use Agricultural District. The property is located approximately 1,000 feet northeast (mauka) of Waiohinu Park and also mauka of Highway 11, Waiohinu, Ka'u, Hawaii, TMK: 9-5-5: portion of 13.

NEW BUSINESS – 11:00 a.m.

8. **APPLICANT: HOOLUANA PLACE, LLC (SMA 09-33)**
Special Management Area Use Permit to allow the development of a family entertainment center and retail complex, which would include a bowling alley, restaurants, sports bar, butcher shop, retail shops and related improvements. The property is located at the corner of Kekuaaoa Avenue and Mililani Street and adjacent to the Waiakea Villas complex, Waiakea, South Hilo, Hawaii, TMK: 2-2-30:17 and 19.

MINUTES

June 5, 2009

ADMINISTRATIVE MATTERS

ANNOUNCEMENTS

ADJOURNMENT

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the above matters.

Pursuant to Rule 4, Contested Case Procedure, of the County of Hawaii Planning Commission Rules of Practice and Procedure, any person seeking to intervene as a party to a contested case hearing on the item nos. 1, 2, 4, 5, 6, 7 and 8 above is required to file a written request which must be received in the office of the Planning Department no later than seven (7) calendar days prior to the Planning Commission's first public meeting on the matter. Such

written request shall be in conformity with Rule 4, in a form as provided in Rule 4 Appendix A “Petition for Standing in a Contested Case Hearing.” The written petition/request shall be filed with the Planning Commission at Aupuni Center, 101 Pauahi Street, Suite 3, Hilo, Hawaii 96720, and accompanied by a filing fee of \$100 payable to the Director of Finance. Any party may retain counsel if that person so desires. Rule 4 may be inspected or purchased (\$2.50) at the above-cited location. Rule 4 may also be viewed at the County of Hawaii website (<http://www.co.hawaii.hi.us>).

Submitting Testimony: According to Rule 1 (General Rules) of the Planning Commission, a person desiring to submit oral or written testimony shall indicate her/his name; residence address; and whether the testimony is on her/his behalf or as a representative of an organization or individual. If testimony is being submitted on behalf of an organization, documentation showing membership ratification should accompany the testimony. Written testimony shall be submitted with an original and nine copies prior to testifying. The Commission would appreciate timely submittal to the Planning Department at least one week prior to the hearing date to allow for mailing and thorough Commission review. Testimony that is irrelevant or unduly repetitious may be limited by the Chairperson pursuant to Rule 1.

Notice to Lobbyists: If you are a lobbyist, you must register with the Hawaii County Clerk within five days of becoming a lobbyist {Article 15, Section 2-91.3(b), Hawaii County Code}. A lobbyist means “any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.” {Article 15, Section 2-91.3(a)(6), Hawaii County Code} Registration forms and expenditure report documents are available at the Office of the County Clerk, 333 Kilauea Avenue, 2nd Floor, Hilo, Hawaii 96720.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file and open to inspection during office hours at the Planning Department, Aupuni Center, 101 Pauahi Street, Suite 3, Hilo, Hawaii and at the Kona office of the Planning Department, 75-5706 Kuakini Highway, Suite 109, Kailua-Kona, Hawaii.

Any disabled person requiring special assistance or person requiring auxiliary aid and/or services to participate in the hearing should contact the Planning Department at 961-8288 five (5) working days prior to the hearing so that appropriate arrangements can be made.

Hawai‘i County is an Equal Opportunity Provider and Employer.

WINDWARD PLANNING COMMISSION
Rell Woodward, Chair

(Hawaii Tribune Herald: June 10, 2009)
(West Hawaii Today: June 10, 2009)