

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI'I

MINUTES
OCTOBER 2, 2009

The Windward Planning Commission met in regular session at 9:03 a.m. in the Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i with Chairman Rell Woodward presiding.

PRESENT: Rell Woodward
Takashi Domingo
Andrew Iwashita
Zendo Kern
Shelly Ogata
Wallace Ishibashi

Brandon Gonzalez, Deputy Corporation Counsel
BJ Leithead Todd, Planning Director
Norman Hayashi, Planning Program Manager
Jeff Darrow, Staff Planner
Maija Cottle, Staff Planner

The Chair introduced the staff and Windward Planning Commissioners to the public and described the procedures to be followed for today's meeting.

At this time, Norman Hayashi and Sarah Hata-Finley were recognized as nominees for Manager of the Year, and Employee of the Year, respectively, for the County of Hawai'i.

The Commission took the following item up at 9:06 a.m. with five people from the public in attendance:

APPLICANT: JANICE OSHIRO (REZ 09-100)

Change of Zone from Single-Family Residential – 10,000 square feet (RS-10) to General Commercial 20,000 square feet (CG-20) district for 20,314 square feet of land. The property is located on the northeast corner of the Kinoole Street – Kamana Street intersection, Waiakea Houselots 2nd Series, Waiakea, South Hilo, Hawaii, TMK: 2-2-22:8.

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's favorable

recommendation to the County Council with Conditions B and C revised, a new Condition M, and realphabetizing of the remaining conditions.

The applicant, Janice Oshiro, and her representative, Sidney Fuke, were in attendance.

Mr. Fuke stated the staff's background report was excellent. He said the applicant will make no physical improvements to the building itself, continue the residential use of the property for a minimum of five years, and create a parking area to accommodate the needs of the Bay Clinic and possibly the Hawaiian Eye Center. He said the applicant is requesting the improvements proposed be required when there is a commercialized use of the structure, or there is a new development on the property, or within a 5-year period, whichever occurs first. Relative to Conditions E (access to the project site shall meet with the approval of the Department of Public Works) and H (Street lights and traffic control devices shall be installed if required by the Traffic Division of the Department of Public Works), he suggested the Commission consider the following addition, "...prior to the issuance of a Certificate of Occupancy for any commercial uses of the building or in conjunction with the improvements outlined in Conditions F and G."

Director Leithead Todd felt at any point the property ceases to be residential and starts having a commercial use that some improvements and possibly moving the driveway should be occur. She also felt that the Department of Public Works should look at the issue of whether the entrance for the business should be off Kamana Street rather than Kinoole Street since there is more traffic on Kinoole Street and the entrance would be very close to the existing intersection.

Mr. Fuke said they have had a number of discussions with Public Works about relocating the driveway from Kinoole Street to Kamana. He said conceivably when the building is torn down and they construct a new structure they would be able to wrap up their construction financing with the curb, gutter, sidewalk, and relocation of the driveway, which is why they are suggesting the improvements be tied in with that activity.

Mr. Woodward agreed with the Director that constructing a parking lot will increase traffic into the area even if the applicant does not build a new structure, and the proposed driveway should be relocated if there is an increase in traffic.

Commissioner Iwashita agreed with the Director and said that if the parking lot is to be used right away relocating the entrance and making the proposed improvements should be done simultaneously.

Mr. Fuke said one representative of Department of Public Works did conclude that given that there already is a dedicated left turn on Kinoole Street and given the proposed number of parking stalls, six or eight, it should not really compromise the effectiveness of that particular intersection. He added that the engineer commented that if there is a need for added mitigation, it comes more in terms of exiting the property and trying to make a left-turn at that intersection that is signalized.

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

It was moved by Commissioner Iwashita and seconded by Commissioner Kern to send a favorable recommendation to the Hawai'i County Council as recommended by the Planning Department with conditions, along with the revised Conditions B and C, addition of new Condition M, and realphabetizing the remaining conditions. A roll call vote was taken and motion carried with six ayes (Iwashita, Kern, Domingo, Ishibashi, Ogata and Woodward).

The Commission took the following item up at 9:25 a.m. with eight people from the public in attendance:

APPLICANT: AMERICAN TRADING CO., LTD. (REZ 09-102/SMA 09-35)

- a. Change of Zone from Limited Industrial 20,000 square feet (ML-20) to Industrial-Commercial Mixed (MCX-20) district for 52,457 square feet of land.
- b. Special Management Area Use Permit to allow the conversion of portions of the existing buildings for a mixture of warehouse, office and retail-related uses.

The property is located at the northeastern corner of the Kalanikoa Street – Kuawa Street intersection, Waiakea, South Hilo, Hawaii, TMK: 2-2-32:24.

Ms. Cottle oriented the Commission and public of the subject and surrounding properties on the location map and site plan, summarized the requests, and noted the Planning Director's favorable recommendation to the County Council regarding the change of zone request and approval recommendation on the SMA Use Permit application.

Regarding the conditions proposed on the change of zone application, Ms. Cottle said the Planning Director is now proposing: the deletion of proposed Condition G as it duplicates Condition H; the removal of the words "if required" in the second sentence of Condition H (drainage study); the addition of Condition C (backflow prevention assembly); and renumbering of the remaining conditions.

The owner of American Trading Company, Ernest Matsumura, and his representative, Sidney Fuke, were in attendance.

Mr. Fuke stated the staff's background report and proposed conditions were acceptable as amended. He said currently the warehouse is being used by the applicant for his office, RCOH (Research Corporation of UH) and Thy Word Ministries. He said the applicant wants to make sure he would not be in violation of the Zoning Code should he increase the amount of office use allowed within the Limited Industrial zone.

Upon the Chair's inquiry, Mr. Fuke clarified that the work to be done will be associated with partition work within the structure.

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

On the change of zone application, it was moved by Commissioner Iwashita and seconded by Commissioner Kern to send a favorable recommendation to the County Council with conditions, as amended. A roll call vote was taken and motion carried six ayes (Iwashita, Kern, Domingo, Ishibashi, Ogata, and Woodward).

On the special management area use permit application, it was moved by Commissioner Kern and seconded by Commissioner Domingo that the application be approved as recommended by the Planning Department with conditions. A roll call vote was taken and motion carried six ayes (Kern, Domingo, Ishibashi, Iwashita, Ogata, and Woodward).

The Commission took the following item up at 9:36 a.m. with nine people from the public in attendance:

APPLICANT: HARA LAND DEVELOPMENT (REZ 716)

Amendment to Condition C (secure Final Plan Approval) and Condition D (construction timeline) and related conditions of Ordinance No. 92 70, which rezoned 1.625 acres of land from a Single-Family Residential – 15,000 square feet (RS-15) to a Village Commercial -10,000 square feet (CV-10) district. The property is located on the northeast side of Pahoia Village Road approximately 920 feet northwest of the Pahoia Village Road and Post Office Road intersection, Nanawale Homesteads, Puna, Hawai‘i, TMK: 1-5-14:7.

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 correspondence from Rene’ Siracusa expressing concerns regarding the application, which were addressed by the applicant. He then recommended the addition of Condition C (backflow prevention assembly) and realphabetizing the remaining conditions.

The Chair corrected the middle of the first page of the recommendation which says “Condition B states” to read, “Condition C states....”

Architect Bert Nitta, representing the developer Sam Ishigo, stated they agreed with the proposed conditions and recommendations set forth by the Planning Department.

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

It was moved by Commissioner Iwashita and seconded by Commissioner Ishibashi to send a favorable recommendation to the County Council as recommended by the Planning Department with conditions, as amended. The Chair said he was seriously considering the concerns expressed by Ms. Siracusa and was happy that her concerns were addressed, particularly with regard to the fuel tank, noting he was glad to see that Ms. Siracusa was still involved with matters before the Commission. A roll call vote was taken and motion carried with six ayes (Iwashita, Ishibashi, Domingo, Kern, Ogata and Woodward).

The Commission took this item up at 9:48 a.m. with approximately 10 people from the public in

attendance:

APPLICANT: BRIAN SUGAI (REZ 09-101)

Change of Zone from Agricultural 1-acre (A-1a) to Neighborhood Commercial 20,000 square feet (CN-20) district for 1 acre of land. The property is located along the east side of Komohana Street, approximately 700 feet south of the Komohana Street – Ponahawai Street intersection, Ponahawai, South Hilo, Hawaii, TMK: 2-3-37:19.

The Chair stated the applicant has requested the hearing be continued as he is unable to attend today's meeting and would like the opportunity to respond to the Planning Director's recommendation, which he just received.

Ron Nakamichi, surrounding property owner, said he was not against the project but that he did have a major concern regarding the runoff from this property. He said he would like to see this matter addressed in the plans before approval is given.

It was moved by Commissioner Ogata and seconded by Commissioner Domingo that the hearing be continued to the December meeting. Motion was unanimously carried by a voice vote of all Commissioners in attendance.

RECESSED - The Chair called a short recess at 9:50 a.m.

RECONVENED - The meeting reconvened at 10:00 a.m.

The Commission took the following item up at 10:00 a.m. with approximately 18 people from the public in attendance:

APPLICANT: GIAMPAOLO BOSCHETTI (REZ 09-103)

Change of Zone from Single-Family Residential 7,500 square feet (RS-7.5) and Multiple-Family Residential 1,000 square feet (RM-1) to Multiple-Family Residential 1,500 square feet (RM-1.5) district. The property is located mauka of Kapiolani Street and the County of Hawaii Police complex, Kukuau 1st, South Hilo, Hawaii, TMK: 2-4-25:48, 53 and 80.

(SEE EXHIBIT A)

The Commission took the following item up at 10:46 a.m. with approximately 10 people from the public in attendance:

APPLICANT: JOHNSON LUM (SPP 09-87)

Special Permit to allow the operation of an educational hobby garden and play facility on 1 acre of land situated within the State Land Use Agricultural District. The property is located along the makai side of 12th Avenue, approximately 1,200 feet north of the 12th Avenue – Paradise Drive intersection, Hawaiian Paradise Park Subdivision, Keaau, Puna, Hawaii, TMK: 1-5-48:80.

(SEE EXHIBIT B)

The Commission took the following item up at 11:26 a.m. with five people from the public in attendance:

APPLICANT: MICHAEL TUTTLE (USE 165)

Request to nullify Use Permit No. 165, which allowed a 5-bedroom bed and breakfast operation within an existing dwelling and guest house. The property is located within the Hale Ohia Tract Subdivision on Hale Ohia Road, approximately 65 feet to the south of its intersection with Volcano Road (Highway 11), Volcano, Puna, Hawaii, TMK: 1-1-5:19.

Staff confirmed that the request to nullify Use Permit No. 165 has been rescinded.

The Commission took the following item up at 11:27 a.m. with three people from the public in attendance:

INITIATOR: PLANNING DIRECTOR

Amendment to Chapter 25 (Zoning Code), Hawaii County Code 1983 (2005 Edition, as amended) allowing solar energy facilities within the County's Agricultural zoned district provided that the property is within the Land Study Bureau's class D or E soils category.

(SEE EXHIBIT C)

MINUTES - At 11:36 a.m., the Commission took up the minutes of September 4, 2009. It was moved by Commissioner Kern and seconded by Commissioner Ishibashi that the minutes be approved. Motion was unanimously carried by a voice vote of all Commissioners in attendance.

ADMINISTRATIVE MATTERS - There were no administrative matters to discuss.

ANNOUNCEMENTS - Staff announced the next meeting is scheduled for November 6th.

ADJOURNMENT - There being no further business the Chair declared the meeting adjourned at 11:37 a.m.

A T T E S T:

Respectfully submitted,

Rell Woodward, Chairman
Windward Planning Commission

Sharon M. Nomura, Secretary