

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Resolution Room, Kona Hilton Hotel
Kailua, Kona, Hawaii

May 20, 1980 - 10:00 a.m.

Approved OCT 7 1980

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
Richard Choy
Shinsei Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell

COMMISSIONERS ABSENT: Edward Yanai
William Yuen

STAFF PRESENT: Gordan Furutani, Executive Officer
Daniel Yasui, Planner
Allan Kawada, Deputy Attorney General
Dora Horikawa, Chief Clerk
Ray Russell, Court Reporter

HEARING

A79-471 - LANIHAU CORPORATION

Pursuant to a notice published in the Hawaii Tribune Herald and the Honolulu Advertiser on April 10, 1980, and notices sent to all parties, a hearing was conducted by the Land Use Commission in the matter of the petition by Lanihau Corporation to amend the land use district boundaries for approximately 25.783 acres presently in the Agricultural District into the Urban District at Kailua, North Kona, Hawaii, for a regional shopping center, Docket A79-471.

Appearances

James Funaki, Attorney for Lanihau Corporation

Ben Tsukazaki, Deputy Corporation Counsel, for
Hawaii Planning Department

Annette Chock, Deputy Attorney General, for DPED

Request for Intervention

Chairman Duke called on Mr. Michael Marsh, attorney for Liliuokalani Trust, to speak in support of his intervention request. Both petitioner's representative, Mr. Funaki, and County attorney Ben Tsukazaki were afforded an opportunity to respond to Mr. Marsh's arguments. State did not participate in the discussion.

Commissioner Oura moved to accept Liliuokalani Trust as an intervenor in the proceedings, which was seconded by Commissioner Pascua and the motion was unanimously carried.

Chairman Duke ordered that counselor Marsh prepare the Decision and Order regarding the approval of his intervention request.

Request to appear as a Public Witness

It was announced that a timely request to appear as a public witness had been received from Mr. Henslee F. Towill. However, Mr. Towill was not present today.

Exhibits

Petitioner's Exhibits 1 through 14, including 3-A and 8-A, were admitted into evidence.

County's Exhibits 1 through 4 were admitted into evidence.

DPED's Exhibits 1 through 4 were admitted into evidence.

Staff planner pointed out the location of the subject property on the maps and oriented its location with various surrounding landmarks.

All of the persons appearing before the Commission during these proceedings, having been duly sworn in, testified and were examined as set forth in the transcript on the pages noted.

PETITIONER

David Osterman - President, Liberty House

Direct examination by Mr. Funaki-----31 to 33

Cross examination by Miss Chock-----33 to 35

Cross examination by Mr. Marsh-----35 to 39

Redirect examination by Mr. Funaki-----39 to 40

Examination by Vice Chairman Nakagawa-----41

Examination by Chairman Duke-----41 to 43

James Greenwell - President of Lanihau Corporation

Direct examination by Mr. Funaki-----44 to 59

Cross examination by Mr. Tsukazaki-----59

James Greenwell (cont.)

Cross examination by Miss Chock-----59 to 60

Cross examination by Mr. Marsh-----61 to 65

Chairman Duke announced that counselor for the County of Hawaii was called away and that he was being replaced by the Planning Director of the County. There were no objections from any of the parties.

George Hendrickson - President of GAH, Inc., Real Estate Consulting & Brokerage Firm

Direct examination by Mr. Funaki-----67 to 73

Cross examination by Mr. Fuke-----73 to 76

Cross examination by Miss Chock-----76 to 79

Cross examination by Mr. Marsh-----80 to 85

Redirect examination by Mr. Funaki-----85 to 86

Paul Low - Registered Civil Engineer

Direct examination by Mr. Funaki-----86 to 100

Cross examination by Mr. Tsukazaki-----100 to 101

Cross examination by Miss Chock-----101 to 102

Cross examination by Mr. Marsh-----102 to 116

Redirect examination by Mr. Funaki-----116 to 117

Recross examination by Mr. Marsh-----117 to 119

James Porter - Architect

Direct examination by Mr. Funaki-----119 to 136

Petitioner's Exhibits 15, 16 and 17 were identified and admitted into evidence.

The hearing recessed at 4:55 p.m., to be continued at 8:30 tomorrow morning.