

LAND USE COMMISSION

PUBLIC HEARING

Hearing Room

Honolulu, Hawaii

10:30 A.M. - August 21, 1962

Commissioners

Present:

Edward C. Bryan
Stanley C. Friel
Wayne D. Gregg
Yuichi Ige
Edward Kanemoto
Franklin Y. K. Sunn
Roger T. Williams

Ex-Officio Members

Present:

E. H. Cook
Frank Lombardi

Staff

Present:

R. J. Darnell, Executive Officer (XO)
John R. Canright, Legal Counsel
Philip Chun, Department of Planning and Research
W. M. Mullahey, Field Officer
Alberta Kai

The public hearing was called to order by Chairman Bryan in the Land Use Commission Hearing Room, 426 Queen Street, Honolulu, Hawaii at 10:30 a.m., after a short delay, during which the matter of the Hawaiian Homes Commission's proposed subdivision at Panaewa, Hawaii was discussed.

Chairman Bryan announced that the public hearing this morning is pursuant to notices published in the Honolulu newspapers, and would like to make these notices a matter of record.

APPLICATION (SP(T) 62-18) OF CONSOLIDATED AMUSEMENT COMPANY, LTD., FOR SPECIAL PERMIT TO ESTABLISH AND OPERATE A DRIVE-IN THEATER ON PROPERTY ADJACENT TO KALANI-ANAOLE HIGHWAY NEAR KAILUA, OAHU: Described as TMK 4-2-14, Por. 2.

Chairman Bryan noted from correspondence that the applicant, county officials and several other government agencies were informed of this public hearing. He asked if there were anyone present to represent the Consolidated Amusement Company at this time.

Mr. Miho stated that he will represent the Consolidated Amusement Company and Mr. J. H. Traut of Consolidated Amusement Company will answer any questions.

The XO, upon request by Chairman, described property and indicated its location on the map.

Mr. Miho stated that the Commission has before them the formal application of request for a Special Permit. Referring to maps and illustration on the wall, he stated that the applicants have provided for easy accessibility, maximum ease for egress and ingress. This is to avoid congestion which has been the applicants' past experience at the Kapiolani Drive-In Theater. Initially, during peak hours, traffic was a problem. He stated that in the latest drive-in, the Aiea New Drive-In Theater, traffic congestion has been completely eliminated by a long and wide extra service road. In the Kailua drive-in, it is planned to provide a maximum circle of about six gates, which the patrons can come through in their cars and buy their tickets. This is so a great number of people with families in cars can be served as quickly as possible without congestion. Those who are waiting will be waiting in a distance of 300 feet in lines of 6 layers of cars, so that congestion will be completely eliminated.

Mr. Kido stated that this particular spot is isolated, in the sense that it is not in any residential area. According to a research planner of the Department of Planning and Research, the foreseeable future for this area shows it is not feasible for residences or for ordinary businesses because of the nature of the land which borders a swamp land. For all purposes the applicants feel it's ideal; and the research department of the City and County also agrees. He referred to a photostat copy of Mr. Lee's recommendation dated May 16 which states "It was the opinion of the Commission that the subject area is desirable for an outdoor theater site. However, they are reluctant to rezone the site to business at this time." Mr. Miho stated that the reason for this was that, unless they have an amended ordinance, once they zone it for a theater it is a business, and they are afraid it might be construed into some other business. He stated the applicants have a long lease with the owners of the land, restricting it for this particular purpose, so this worry for us is not pressing. He stated that this theater is the result of the people in the rural areas who have been coming all the way downtown to enjoy the privilege of a drive-in theater operation. The population increase after the war in that area has been tremendous, and the applicants feel they are not only meeting the demand, but helping the entire island by diverting traffic to the minimum, where they are, instead of crossing the pali back and forth, especially over weekends. Mr. Traut and his company plan to invest considerable sums of money, there will be a lot of digging and filling, and Mr. Kido believed it will be in the region of hundreds of thousands of dollars invested before the entire area is completed. They expect this to be more of a show place for the State of Hawaii.

Chairman Bryan stated that, as he understood it, the County officials are in favor of this, but they have no way of granting any specific use other than to make this an industrial area, or commercial area? Mr. Miho replied in the affirmative, under the present ordinance. However, the City's in the midst of amending their special use permit ordinance to take care of situations of this kind, and it's about 90% completed. He stated, however, if for any reason the ordinance is not amended (though he couldn't see any reason for it not to be), the applicants would be happy to put out any form or any kind of assurance to assure them they would not be putting it into any other use which the City does not favor.

The Chairman asked if any members of the Commission wished to ask any questions at this time.

Mr. Lombardi asked how the property is being used now; and Mr. Miho stated that it is just swampland. Mr. Traut stated that this is a hilly area. He stated that they did not pick this site, it was master-planned by the City Planning Department and approved by the City Council for a drive-in theater site. Mr. Traut stated that the applicants had an application in for a site in the Enchanted Lake area and the City turned this down. He stated this area is one of the alternate sites and is not a choice site for the applicants, because they would have to move about 350,000 cubic yards of soil to get 16 acres of useable land in there. They have a minimum of 55 year lease with Mr. Castle, subject to zoning. He stated that it is much better to go in on a level piece of land and save a quarter-million dollars of stock building.

Chairman Bryan informed Mr. Traut that, in order to protect himself, he would need to be sworn in. (Mr. Traut sworn in by Chairman Bryan.)

The Chairman asked whether Mr. Traut's lease or proposed lease had any covenant covering landscaping, etc. Mr. Traut replied in the negative, stating that this drive-in is a raised drive-in: the screen is in the cut of the hill and it would be about 15 feet above the road. It would not be able to be seen from the road except from the Castle Hospital. Mr. Castle has offered to help in the planning of this site.

Mr. Traut informed the Commission that the change of ordinance will be up for third reading this afternoon before the City Council.

Upon Chairman's request for a staff report, XO was sworn in and presented a number of pertinent communications pertaining to the matter first.

1. A letter to the applicant from the City and County of Honolulu Planning Department, presented to the Land Use Commission by the applicant, stating that area is favored for an outdoor theater site; however, the Planning Commission was reluctant to rezone the site to business at this time, because under the existing zoning ordinance the land use cannot be restricted to drive-in theater use only. If grant of a business zone was made it would permit a wide range of other uses.
2. Letters from the Mayor, City Council and City Planning Department, giving their favorable action and recommendation for approval of this request for a drive-in theater.
3. Letters written to the Departments of Transportation and Health, in which their comments and recommendations were solicited. No answer in writing has been received. The XO reported that an oral confirmation had been received from the Department of Transportation, Division of Highways, recommending approval of this site according to certain conditions and that a letter would be received to this effect soon.

Chairman Bryan asked if there were anyone in audience representing these departments who wished to be heard. There were no response.

The XO presented the staff report, which recommended approval of application for Special Permit on the basis of correctness of the recommendations received from

the City & County and the Department of Transportation, subject to certain conditions in the interests of proper development of the area, community appearance, convenience and safety.

The Chairman stated that the staff report would be made record in the proceedings, and also the communications presented.

The XO added that if the Department of Transportation has recommended specific recommended conditions for approval, it may be that the staff recommendations would be changed accordingly.

The Chairman asked if the Commission would be hearing from them within the 15 days, and the XO replied in the affirmative.

Mr. Traut informed the Commission that before he made his application for this drive-in he saw Mr. Tim Ho and a federal man, since the highway is a federal-aid highway; and that he went over the plans with them, and they made a few suggestions to improve the plans. He stated that he has a letter from the Highway Division, stating that they have no objections to these plans and that they did not think this would cause any traffic hazard. Mr. Traut stated that a copy of this letter is filed with the City Planning Commission. He stated if Commission wanted a copy of this letter he would be glad to send a copy of it. He stated that he also went to see the City Traffic Commission, who were in favor and approved his request. He reiterated that he did see Mr. Tim Ho at the beginning, and that if he had been turned down he wouldn't be putting up this drive-in.

Chairman Bryan asked if the applicant had any questions to ask the XO. Mr. Miho stated that he had no questions, other than to assure the Commission and the XO that the XO's recommendations are most agreeable to him and they will adhere to it. He also stated that most of it are required by laws of the City and County and there will be no trouble.

The XO stated that it may be that a flat approval would give the applicant a go-ahead with no local control or control by the Division of State Highways, and that is what these conditions are intended to avoid. Mr. Miho stated that it is to justify the granting of any special use.

Mr. Traut stated that the applicants are as interested as anybody. When they built the Aiea Theater, the first thing they did was to see the Aiea Outdoor Circle Committee, brought them to see the site and asked for their suggestions. The Outdoor Circle obliged and were even helpful in the planting. The applicants have worked with the community, he stated.

The XO stated that he wished to comment on the statements made by the applicants on the Aiea Theater regarding the traffic leaving the theater. The principal problem of drive-in theaters occurs at the hour when the theater lets the traffic out all at one time and creates the worst traffic problem. In the Aiea case, the traffic exits onto Moanalua Road and not onto the highway directly. A more serious problem may occur by this proposed theater where traffic will have to go directly into Kalaniana'ole Highway.

Mr. Traut stated that there will be an exit that will come around the screen for the traffic going to Kaneohe and there is a provision for an acceleration lane into Kalaniana'ole Highway. The traffic coming out toward Quarry Road will be the traffic going back to Kailua, so it will split off two ways. The acceleration lane is one of the suggestions of the State Highway Department.

XO stated that he should have said that it is the left-turning traffic which is the real problem, and not so much the merging traffic going in the same direction.

Commissioner Ige questioned whether the City Planning Commission denied the request because of business reasons. Mr. Miho replied in the negative, stating that under the present City and County ordinance there is no leeway to limit different business uses. Once they zone it for business almost anything can be put in. They agree that it is a proper place for a drive-in theater, but until the law is amended, and it is very obvious it will be adopted today, they have no restrictive power.

Commissioner Ige asked whether there would be any danger on the part of the Land Use Commission, once the City Planning Commission zones this for the applicants' use. Mr. Miho replied that you don't have that trouble, because the Land Use Commission has the power to grant a specific use, which is a drive-in theater. This statement was confirmed by Chairman upon Commissioner Ige's request. XO added that the Land Use Commission, after considering the application, cannot grant any more than a drive-in theater in this particular case until something else is requested.

The Chairman questioned whether the applicants, in their discussions with these various agencies, determined if Quarry Road would be tied in somewhere so that there would be another avenue or escape from this place. Mr. Traut replied that this would happen eventually, but not at the present time. It is tied in with the overall development which eventually will go all the way around into the Kailua sections, but as to when this will take place, no time is set.

The Chairman asked how much visibility will there be from the Pali Lookout. Mr. Miho and Mr. Traut stated none. Mr. Traut stated that the only place that the use will be visible would be out by the upper floors of the Castle Hospital. From there one would be able to see that it is a drive-in.

XO added for the record that both the State and City and County have master-planned the area immediately to the east for industrial use. It is assumed that this area will be reached by the extension of the Waimanalo highway rather than from Kalaniana'ole Highway, and that it might connect with Kapaa Quarry Road, thus achieving additional means of access for egress and ingress from the property.

There were no further comments; and Chairman Bryan declared the public hearing in the matter of Consolidated Amusement Company closed.

APPLICATION OF JULIAN R. FLORES (SP(T) 62-19), FOR SPECIAL PERMIT TO IMPROVE AND EXPAND, THE EXISTING BUSINESS USE OF PROPERTY IN LUALUALEI, WAIANAЕ, OAHU: Described as TMK 8-7-18: Portion of Parcel 48 (Front Portion, containing 26,482 sq. ft.)

Upon Chairman's request XO described property covering 2½ acres in total and pointed out the location of property on map.

Chairman asked whether application covered the entire 2½ acres. XO replied that it was his understanding that the Mikilua Grocery premises actually refers to the portion of the property that was granted variance by the City Planning Commission in 1954, and the file contains a copy of the Grant, showing the area in question.

The Chairman inquired whether the applicant, city officials and other interested agencies were notified of this hearing. XO replied in the affirmative.

The Chairman asked if the applicant or anyone representing the applicant were present.

Mr. Mori Omori introduced himself, stating he was the attorney for the applicant, and would be representing the applicant. Mr. Omori proceeded first by clarifying the question raised by Chairman. He stated that the total acreage of this parcel is 2½ acres, which is part of rural farm district number 5. But the application before this Commission covers the front portion containing 26,482 sq. ft. The applicant has been operating a grocery store under the Variance Permit 251 which was granted in 1954. The grocery store has been in operation since then, and is still in operation at present. Mr. Omori stated that under the zoning ordinance applicable to Variances, the store located and operated under a Variance can be altered or improved, enlarged but cannot be completely demolished and replaced. This he pointed out is the reason that is not permitting the operator to do what he wants to do. Mr. Omori stated that in view of that Variance limitation on this property, the applicant applied over a year ago for a zoning ordinance on August 11, 1961. Now, subsequent to the request, the Waianae General Plan was established and adopted and this particular parcel was included as commercial in the General Plan.

The zoning ordinance application for this particular property was made pursuant to this General Plan and a public hearing for this particular application was held on Thursday, April 26, 1962 after notice was published in the Honolulu Star-Bulletin on April 15, 1962. This was a few days prior to the adoption of the Land Use Commission's interim regulations. After the public hearing held on April 26, 1962, he (Mr. Omori) received a letter from Frederick K. F. Lee, Planning Director of the City Planning Department:

"Subject: Zoning Lualualei-Waianae, 87-1117 Paakea Road
TMK 8-7-18: Portion of 48, Applicant Julian
Flores by Mori Omori, Attorney

"At a meeting on Thursday, April 26, 1962 the Planning Commission held a duly authorized public hearing to consider your request for change in zoning from farming district to business for front portion of a parcel of land situated at 87-1117 Paakea Road in Lualualei, Waianae. The Commission voted to recommend approval to the change in zoning to business inasmuch as the proposal is in conformance to the Waianae General Plan. The staff will prepare the necessary ordinance for submission to the City Council for its approval."

Just about 4 to 5 days prior to the Thursday, April 26 meeting, the Land Use Commission's regulations were adopted and on June 18, 1962, he received this letter from Mr. Lee:

"We have prepared the proposed ordinance to rezone a portion of rural farm district number 5 to rural business district number 194 for land situated at Paakea Road at Lualualei, Waianae, Oahu, Hawaii. However, this property is within the Land Use Commission temporary boundary designated for Agricultural use. Therefore, we cannot zone the subject property without permission from the State Land Use Commission. It is requested that an application for Special Permit be submitted to the Land Use Commission in order for your client to utilize this property for business purposes."

These letters were made part of the record.

Mr. Omori stated that pursuant to that request, and upon consultation with the Corporation Counsel's Office, the applicants have come to submit this request for Special Permit.

Chairman asked if Commissioners had any questions they wished to ask Mr. Omori.

Commissioner Sunn stated that in Mr. Lee's first letter, it was indicated that the tax map key was a portion of 48 instead of 8, is that right. Mr. Omori replied in the affirmative and at this time amended his application to read as tax map key 8-7-18: portion of parcel 48 instead of 8.

Commissioner Sunn asked, with regard to the Honolulu Planning Commission action on zoning, if it were their intent to rezone because of the existing use; or was it necessary that they zone this area plus other areas of business in their general plan. Mr. Omori replied that they zoned it to business; they did not consider just that little area for a Variance because they felt that the use contemplated would be improved by the demolition of existing structures and a better-planned development of the whole area which is larger than use being made now under the Variance. Commissioner Sunn replied that the zoning was only for 26,000 square feet. Mr. Omori answered that was the request.

To questions by Commissioner Ige, Mrs. Flores stated that 2½ acres was purchased for farming in 1948 or 1949; but they didn't make a go of it. Her father helped them to raise pigs, hogs and they made a go of it for 4 years.

Mr. Lombardi asked whether the city has zoned the rest of this area. Mr. Omori stated that they have general-planned it and haven't zoned it; the zoning comes in as the people come in for their respective zoning. Mr. Omori stated that he believed this area was zoned previously under the master plan for Agriculture, and that under this classification anyone could come in with residences but that under this particular classification it was 1 residence to an acre.

Mr. Lombardi asked if this were the only business in this area. Mrs. Flores replied in the affirmative. The Chairman added, "in a radius of a mile or more."

Mr. Lombardi asked Mrs. Flores "Do you want to double the size of your store?" Mrs. Flores replied that they would like to enlarge the store. As it is now, it is very small, 20' x 12'.

Chairman asked if applicant anticipates something else beside the store. What would it include if your application were to be approved? Mr. Omori stated that he believes the plan is for a grocery store and a service station, which is the plan presented to the City Planning Commission.

Chairman asked XO if the tax key has been clarified. XO stated that the tax key map does read 48 and the correction requested by the applicant for amendment in the parcel number should be made. Chairman noted that it would be so corrected.

XO read and presented for the record the following letters concerning this matter:

1. Letter received from the Mayor giving his recommendations to permit applicant to continue as a non-conforming use, and to permit applicant a reasonable expansion of his facility to serve the neighborhood subject to the conformance with all existing regulations.
2. Letter received from the City Clerk's Office reaffirming its stand on the General Plan and stating that the matter before Commission is in accordance to Master Plan.
3. Letter from the City Planning Department giving their opinion that the grocery store at the present time is needed, though recommending that any special permit issued at this time be limited to a reasonable size to serve the immediate needs of the neighborhood.

XO presented staff report upon request of Chairman. Staff report recommended approval of enlargement of the existing grocery store subject to certain conditions in the interests of proper community development of area, community appearance, convenience and safety.

Chairman asked applicant if he had any questions to ask of XO.

Mr. Omori replied in the negative stating that he believed that the staff's recommendation and conditions are all in accordance with and applicable to the rules and regulations of the City and County of Honolulu.

Chairman asked if applicant saw any hardship in conforming to these provisions. Mr. Omori stated that it becomes a part of the regular procedures of getting a building permit.

Chairman asked if staff queried interested governmental agencies; and whether these have been heard from. The XO stated that the Mayor and City Council, the City Planning Department were notified, and these have answered; but have not heard from the Department of Transportation and the Department of Health.

Chairman asked if members of the Commission had any questions to ask. Chairman asked if there were anyone who wished to be heard or to make any comments in this matter. There were no response.

Chairman announced that the Commission is required to wait 15 days to receive any comments which may not have been received up to this time. It would appear at the moment that the earliest possible meeting of the Commission at which an answer could be given would be on the 18th or 19th of September. If there is any change in that, the staff will so notify.

The public hearing was declared closed at 11:30 a.m.