

LAND USE COMMISSION

PUBLIC HEARING

Wilcox School

Lihue, Kauai, Hawaii

8:00 P.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:

Frank Lombardi

Absent:

E. H. Cook

Staff:

Present:

R. J. Darnell, Executive Officer (XO)
John R. Canright, Legal Counsel
W. M. Mullahey, Field Officer
Alberta Kai

Chairman Bryan declared the public hearing open; and opened hearing with a prayer.

Chairman Bryan stated that this public hearing was being held pursuant to a public notice published in the Garden Isle on August 1, 1962.

To be heard were the following:

1. Application (SP(T) 62-12) of Patrick & Ciella Cockett requesting a Special Permit to construct a motel, office building and water-ski clubhouse on the south bank of the mouth of the Wailua River, on the mauka side of Kuhio Highway: Described as TMK 3-9-04: 6.
2. Petition (A(T) 62-2) of William Y. Hayashi for change of designation from an Agricultural district to an Urban district classification, for two parcels of land in the Wailua Homestead area, on the north side of Kuamoo Road: Described as TMK 4-2-02: 12, 56.

Chairman Bryan introduced the Commissioners and staff members present; and proceeded to outline the procedures to be followed during and after the hearing.

APPLICATION (SP(T) 62-12) FOR SPECIAL PERMIT OF PATRICK AND CLELLA COCKETT TO CONSTRUCT A MOTEL, OFFICE BUILDING AND WATER-SKI CLUB HOUSE ON THE SOUTH BANK OF THE MOUTH OF THE WAILUA RIVER, ON THE MAUKA SIDE OF KUHIO HIGHWAY: Described as TMK 3-9-04: 6.

Chairman Bryan requested that the XO outline the particular area concerned. XO pointed out the subject property on a map and gave a general description of the area.

Chairman Bryan asked if staff notified the applicant, county officials and other government agencies of this hearing. XO replied in the affirmative, stating that answers had been received from the Board of Supervisors acknowledging receipt of notice of hearing; and from the Kauai County Planning and Traffic Commission, informing that the Kauai Commission had voted to recommend approval of the application; and a letter received from the applicant acknowledging transfer of ownership title of property from Mr. and Mrs. Masashi Yoshimura to the Cocketts, effective July 1, 1962.

Chairman asked if there were anyone in audience representing applicant.

Dr. Patrick M. Cockett was sworn in and stated that they (Dr. & Mrs. Cockett) were applying for amendment of temporary district boundary from Agriculture to Urban. Dr. Cockett stated that reasons are self-explanatory as stated in application and letter accompanying application, which generally state that they wish to develop property in a business venture for retirement purposes.

He explained that he is a physician with Lihue Plantation; and that Lihue Plantation was planning to close one of its branches and operate only in one spot; and therefore would like to open his own medical office on the river bank. He stated also he wished to construct a motel for people who come to Kauai and cannot afford expensive lodging, as he felt Kauai needed cheaper facilities.

Chairman Bryan questioned Dr. Cockett whether it was his wish to change his application for an Urban zoning instead of a specific use.

Dr. Cockett replied stating that reasons are there. The Chairman explained to Dr. Cockett that the application before this Commission is a request for permission for a specific use, and wondered whether this was satisfactory to him or whether he wished to change this.

Dr. Cockett stated that he was applying for amendment of Temporary District Boundary classification for the purpose to develop property in a business venture for retirement income which includes construction of motels along side of the Wailua River; an office building for a drug store, medical office, food concession; and a water-ski club house. At this point the XO requested to be heard. XO stated that Dr. Cockett did fill out an application for amendment of a district boundary with the Kauai Planning and Traffic Commission but that the Planning Commission recommended that applicant make out a request for Special Permit to avoid the unnecessary handling of applicant's request by too many agencies and to avoid the possibility of having to hold another public hearing. XO read letter received from the Kauai County

Planning and Traffic Commission.

Commissioner Kanemoto asked Dr. Cockett if he had any definite plans worked out. Dr. Cockett gave a general description as to what he wanted to do with property, e.g. replacing existing house with an office building.

Mr. Lombardi asked what was before this Commission for consideration, a Special Permit or a Change in District Boundary? Chairman stated that it was his understanding that County of Kauai Planning and Traffic Commission felt to avoid unnecessary paper work that applicant apply for a Special Permit instead of an amendment for boundary change.

Mrs. Cockett from the audience stated "If the Special Permit is granted, is there a definite time element involved on the permit." Chairman replied there would be if the use is not exercised within a one year period, the permit would expire.

Dr. Cockett replied that he would rather not like to have any time lapsed. Chairman replied, "I stand corrected; there is no time limit specified by law."

Mr. Lombardi asked Mr. Wong whether under the County zoning ordinance a doctor's office is not allowed as an accessory use in a family dwelling. Mr. Wong answered that unless the office is operated within his residence, it would not be allowed; but in the case of Dr. Cockett, his request is for an office building for various business ventures.

Commissioner Ige informed Dr. Cockett that it would be more to Dr. Cockett's advantage and more practical if he were to request for a change of boundary instead of a Special Permit, inasmuch as application showed request for more than one specific use.

Dr. Cockett replied that he and his wife were advised to request for a Special Permit for speedier action.

Chairman asked Legal Counsel whether Commission could act on a matter of request which was not so published in the newspapers. The Legal Counsel stated he thought not.

Chairman then asked Dr. Cockett whether he would like to proceed as a Special Permit. Dr. Cockett replied in the affirmative requesting Commission to proceed.

Mr. Lombardi asked if it is Dr. Cockett's intention, 15 years from now, to have all these businesses on his property. Dr. Cockett stated he would like to have permission to put his medical office there.

Commissioner Sunn asked Dr. Cockett if he had purchased this property from Mr. Yoshimura; and Dr. Cockett replied in the affirmative.

Commissioner Sunn and Mr. Lombardi asked Dr. Cockett why he couldn't open his office in his present residence; and Mrs. Cockett answered that they do not live in the house on the property.

The Chairman requested XO to give staff report. The XO distributed copies of and read the written report, which recommended approval of the applicant's request for Special Permit, subject to certain conditions.

Dr. Cockett asked whether XO's report was a recommendation from the Commission or a recommendation to the Commission. Chairman explained this report was the recommendation of the staff to the Commission.

Dr. Cockett questioned the No. 1 Condition of the staff report, whereby approval of specific uses would need to be obtained from the County; and Dr. Cockett wondered whether his request for a medical office would fall under the County. XO stated that if the condition did not clearly allow the County to approve a medical office, then the No. 1 Condition could be so amended. Commissioner Sunn stated that Condition listed in No. 1 of staff report was properly stated and would come under the County.

Commissioner Sunn asked whether property surrounded with cane growing on it was owned by the State and leased to Lihue Plantation. This was confirmed; and Commissioner Sunn suggested staff query Lihue Plantation to get their comments on the applicant's request. Commissioner Sunn's concern here was the effect cane burning would have in the event a motel was to be built in the midst of sugar cane land.

There were no further questions, and Chairman Bryan declared the public hearing closed in the matter of Patrick and Clella Cockett.

(A short recess was held and Supervisor Shiramizu of Kauai presented a problem before the Commission. Supervisor Shiramizu stated that large areas which were classified in a temporary Agricultural district bordered on certain natural attractions; and wondered whether these lands, whether they are Agricultural or Urban land, could not be generally segregated or designated as such. Chairman stated that these problems should be taken up next year at time temporary boundary maps will become permanent and noted Supervisor Shiramizu's problem, and the problem the Commission would face if this matter is not taken into consideration.

Public hearing was resumed.)

PETITION (A(T) 62-2) OF WILLIAM Y. HAYASHI, FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY TO RECLASSIFY CERTAIN PROPERTY IN THE WAILUA HOMESTEAD AREA FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT CLASSIFICATION: Described as TMK 4-2-02 (12 & 56).

The XO complied with Chairman Bryan's request to describe the property involved.

After the Chairman asked whether applicant, county officials were queried and XO replied in the affirmative, these letters were read and made part of the record. The Planning Commission recommended approval and the County Board acknowledged receipt of public hearing notification.

Chairman asked whether petitioner or representative of petitioner were present. There was no response from audience and XO was asked to present the staff report and recommendations.

XO distributed copies of, and read the staff report, which recommended against approval of such a small, isolated Urban district; but recommended, instead, that the Commission consider a change of Temporary District Boundary, from Agricultural to Urban classification, of all property suitable for Urban development having direct access to Kuamoo Road, mauka of Opaekaa Falls to the present Conservation District Boundary. If the Commission felt that a larger area, which would include the Hayashi property, should be rezoned to Urban, then the staff recommendation would be for approval of such a change of district classification.

Chairman Bryan asked if there were anyone in the audience who wished to be heard.

Mr. Hancock was sworn in. He stated that he owned a piece of property adjacent to the temporary Urban district line mauka of strip of land described by XO. He stated his property goes up to the Takasaki property and covers approximately 5 acres of territory; and that the Lihue Plantation Company's right of way embraces his property. He stated that he purchased his property in 1958 and described his property as having steep inclines which can't be cultivated for agricultural use, but has everything planted in agricultural that is suited for agriculture. He stated that his property offers an excellent and magnificent view of the island, and is very good for residential use. He mentioned there are a large number of people in this area who are anxious to have this area changed to Urban.

Commissioner Ige asked Mr. Hancock whether he was being taxed for his land as Agricultural. Mr. Hancock replied that he was not sure, but that he only knows he is paying a higher tax rate now than in the past. Commissioner Ige acquainted Mr. Hancock with Section of Act on Dedicated Lands. Commissioner Ige suggested Mr. Hancock look into this Section and find out from the Tax Department exactly what his land is being taxed for.

Chairman Bryan asked if there were anyone else who wished to be heard.

Col. J. A. Roesch was sworn in and he stated that he owned property in the upper Kuamoo Road. He felt that this area should be classified as Urban and that there were a large number of property owners in this particular area who are anxious to have their property classified as Urban. Mr. Roesch praised staff report made by XO and stated that recommendations stated in staff report express his wishes and of those other property owners who are interested to see this area reclassified to Urban.

Chairman stated that if these other owners are interested in having this boundary reclassified that they should query the Land Use Commission. This was noted by Col. Roesch.

XO mentioned that there was a backlog of protests on file received from property owners in the Kuamoo Road area during period when temporary boundary district maps were being adopted.

Chairman noted there was no one else who wished to be heard and announced that all documents read and referred to during this hearing be made part of the record.

The public hearing was closed at 10:00 P.M.