

LAND USE COMMISSION

PUBLIC HEARING

Kona Cultural Center

Kailua-Kona, Hawaii

2:00 P.M. - September 18, 1962

Commissioners

Present:

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

Absent:

Edward Kanemoto

Ex-Officio Members

Present:

Frank Lombardi

Absent:

E. H. Cook

Staff

Present:

R. J. Darnell, Executive Officer (XO)
W. M. Mullahey, Field Officer (FO)

Chairman Bryan opened the hearing with a prayer.

Notices of the public hearing published in the newspapers were read and made part of the record.

APPLICATION OF HARRY F. MCKEE (SP(T) 62-20), FOR SPECIAL PERMIT TO CONSTRUCT AND OPERATE A RESTAURANT, BAR, OFFICE AND MOTEL ON PROPERTY ADJACENT TO MAMALAHOA HIGHWAY, SOUTH OF MANUKA PARK, KAU DISTRICT, HAWAII: Described as TMK 9-2-81: 49, 50, 51 and 9-2-83: 21.

Chairman Bryan asked if there were anyone present to represent the applicant.

Mr. Luman Nevels introduced himself and stated that he would represent the applicant.

The XO was requested to outline the area involved. The XO used a 1:24000 USGS quadrangle sheet to point out the location and describe the area involved. The XO also outlined the applicant's request which included a motel, bar, restaurant and office.

The Chairman called upon Mr. Nevels to present his case.

Mr. Nevels stated that he had just gone over the staff report, with respect to which he felt that the recommendation for a service station as a proper adjunct to the complex proposed was a good idea. Mr. Nevels stated that a supplementary brief, dated August 3, 1962, was submitted to the Land Use Commission giving a more descriptive picture of the applicant's request. Mr. Nevels stated that the project has been given the title, "Halfway House", which he felt was very appropriate; and stated that the project is fully financed and ready to go.

Chairman Bryan informed Mr. Nevels that the Commission did not receive copies of the brief, but would be receiving them soon (sent to Commissioners), and asked if he would brief the Commission the highlights.

Mr. Nevels briefly outlined that: (1) the land purchased by his client cannot be undertaken for agriculture as the makeup of the land is primarily aa lava; (2) the distance from any business area suggests that this kind of usage is suitable for the area; (3) the architectural sketch and construction plans layout an attractive landmark (these plans were in his possession); and (4) the uses requested would not hinder the economy of the State in any way. Mr. Nevels also pointed out that his client had purchased and paid for the land, and had drawn up plans for development and construction before Act 187 was adopted.

The Chairman asked whether this area is being subdivided. Mr. Nevels replied in the affirmative, stating that the largest fleet of D-9's in the State has been employed in this project.

The Chairman asked the XO why the area was not included in the urban zone. The XO replied that it has no urban facilities within reach of the area except for the new highway. It was considered to have been taken care of by the non-conforming use provisions. The Chairman stated, "Is it correct that the non-conforming use provisions do not take care of the applicant?" The XO replied in the affirmative.

The Chairman asked if any members wished to question Mr. Nevels.

Commissioner Lombardi asked, "Is Mr. McKee going to go into business here himself, or will someone else do it?" Mr. Nevels replied, "Yes; he will operate this facility. This is where he will be living; this is his business and he has severed all his business connections in California."

The XO was requested to give the staff report and was sworn in by the Chairman.

The XO read the staff report which recommended approval of the permit as a proper and desirable, unusual and reasonable development which will provide a needed service to the public.

The Chairman asked Mr. Nevels if he had any questions to ask the XO.

Mr. Nevels replied in the negative. He stated that this matter has already been taken up with Hawaii County Planning and Traffic Commission and they have requested final approval of one particular lot, subject to completion of the access road. He stated that Hawaii Boulevard at present is the only limited access road permitted from the federal highway to this subdivision.

Chairman Bryan asked Mr. Nevels if the staff report posed any hardship on his client. Mr. Nevels stated that the staff report was satisfactory to him and that he had no objections.

The XO was requested to present the communications received by the staff concerning this matter. The following letters were presented:

1. Letter from the Board of Supervisors of Hawaii County recommending approval of this application.

The XO stated that the Hawaii County Planning and Traffic Commission was solicited for their recommendations and comments but no reply has been received.

Chairman Bryan called upon Mr. Hiroshi Kasamoto, Director of Hawaii County Planning and Traffic Commission, who was sworn in.

Mr. Kasamoto stated that the Planning and Traffic Commission met yesterday, Monday, September 17, 1962, on this matter; but no decision was reached because of the lack of information. Mr. Kasamoto stated that he would like to gather some background information for his Commission before they made a decision.

The Chairman suggested that Mr. Kasamoto and Mr. Nevels meet after the hearing to get some of the unanswered questions which are needed. Both parties were in agreement.

Commissioner Sunn asked the following questions:

1. "Does your client wish to have a service station included in his request?"

Mr. Nevels replied that he did not know but will inform the Commission within the 15-day waiting period.

2. "Has the staff heard from the Board of Health?"

The XO replied in the negative.

The Chairman called upon a Mr. Casseses of the State Health Department who informed the Commission that the Health Department received the Commission's letter of notice of hearing. He stated that they do not foresee any hindrances in working out the details of development with the developer, Mr. McKee.

Mr. Nevels commented that, at the time of the preliminary approval of the Hawaiian Ocean View Estates, there were discussions on the water situation; and it was agreed that there was adequate water available and properly developed for these lots.

Chairman Bryan stated that since there are no more questions, he would close this hearing and make all documents part of record of this proceeding.

The public hearing was closed in the matter of Harry F. McKee.

PETITION OF FUMIO AND SHIZUKO TESHIMA (A(T) 62-6), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY TO RECLASSIFY CERTAIN PROPERTY NEAR HONALO, IN THE NORTH KONA DISTRICT, HAWAII, FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT CLASSIFICATION: Described as TMK 7-9-04: 2 & 3.

The XO was requested to outline the area involved. The XO pointed out the property in question on the map and described the area.

Mr. Sumio Nakashima, agent for the applicants, was sworn in by the Chairman, and stated that he would be representing Mr. and Mrs. Teshima.

Mr. Nakashima gave a description of Honalo village and the kind of businesses that exist there. He stated that Mrs. Teshima owns a restaurant and plans to expand, adding apartments and a parking area. Mr. Nakashima asked Mrs. Teshima whether she had any other plans proposed for this lower portion. Mrs. Teshima reiterated what was generally stated by Mr. Nakashima.

The Chairman clarified that the request was for a proposed subdivision and that all lots proposed are for homes and businesses which totaled 42.

The Chairman asked the XO for the staff report. The XO was sworn in and presented the following communications received by the staff:

1. Letter from the Board of Supervisors recommending approval.
2. Letter from the Planning and Traffic Commission recommending approval.

The XO read the staff report which recommended approval of the boundary change to classify the subject parcels into the Temporary Urban district.

Mr. Nakashima informed the XO that the statement in staff report, regarding the highway realignment as shown in the Plan for Kona, prepared by Harland Bartholomew and Associates, indicating a major parallel relocation of the main highway to below the Church is incorrect. Mr. Nakashima stated that the highway now ends short of the Buddhist Church. The XO stated, "I think you are thinking of an increment of the highway." Mr. Nakashima stated, "I have done the appraisal and the new highway alignment does not go below St. Paul Church."

Commissioner Gregg inquired about the utilities and facilities available in this area. Chairman Bryan stated that this Commission need not have to worry about this problem as this is not a special permit, but called upon the XO to comment on this problem. The XO stated, "It is my understanding that utilities are available to this site." This statement was corroborated by Mr. Kasamoto.

The Chairman asked if there were any other questions. There was no response and the Chairman stated that he would like to make all documents part of record of this proceeding.

The public hearing was closed in the matter of Fumio and Shizuko Teshima.

PETITION OF J.I. GILLESPIE (A(T) 62-8), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY TO RECLASSIFY CERTAIN PROPERTY NEAR KAILUA-KONA, HAWAII FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT CLASSIFICATION; Described as TMK 7-5-09: 52 and 7-5-10: 2 & 3.

The Chairman asked if there were anyone present to **represent** the applicant.

Mr. Sumio Nakashima introduced himself, stating that he will be representing Mr. Gillespie, who could not be present. He was sworn in by the Chairman.

The XO was requested to outline the area involved. The XO pointed the property out on the map, and described the area involved.

The Chairman called ~~on~~ Mr. Nakashima to speak. Mr. Nakashima stated that Mr. Gillespie is a substantial contractor in Los Angeles, and has built many homes. He stated that Mr. Gillespie visited this area approximately six times and saw the need for a low-cost housing project. He stated that, in surveying the Kona area, they were able to obtain 150 petitioners who were ready to apply and move in. He stated that Mr. Gouveia is the owner of the land and has an option to sell to Mr. Gillespie. Mr. Nakashima stated that this area is within walking distance from Kailua town; that the best and highest use of the land would be residential. He stated that the project would boost the economy of the State, especially in the tourist area and recommended that the Commission grant Mr. Gillespie his petition.

Chairman Bryan asked if there were any questions the Commissioners wished to ask Mr. Nakashima. There was no response.

The Chairman asked the XO to present any communications received in this matter. The following were presented:

1. Letter from the Department of Transportation stating that there will be an extension of Kuakini Highway from the end of the proposed Honakahau Road at Palani Road to Kuakini Highway; and that, although no precise alignment has been set, the new highway would follow the alignment of the Great Wall of Kuakini (which cuts through the lower part of the subject property).
2. Letter from the Land Study Bureau, stating that little agricultural loss would be experienced by redistricting these lands to Urban classification.
3. Letter from the Hawaii County Planning and Traffic Commission, recommending approval of the change.
4. Letter from the Hawaii County Board of Supervisors, recommending approval of the change.

The FO was requested to give the staff report. The Chairman swore the FO in.

The FO read the staff report, which recommended that the temporary district boundary be realigned to include the subject area in the Kailua Urban district.

Chairman Bryan asked if there were any questions by the Commissioners.

Commissioner Sunn asked if the Department of Transportation has proposed a realignment. The XO went into detail of the Kona Plan, with regard to the proposed realignment.

Commissioner Sunn questioned the water problem in the area. He stated that he knew the mauka area could be served but questioned the makai area. Mr. Kasamoto stated that he had no knowledge of this except that he knew there were present improvements undertaken in that area which would meet the water needs. Mr. Nakashima at this point presented for the Commissioners record a letter from the Board of Water Supply addressed to Mr. David Basque stating that only the lots that are at or below the elevation of 200 could be served.

Commissioner Lombardi asked whether the Hawaii County had any zoning regulations or ordinances for the Kona area to which Mr. Kasamoto replied, "Not at present; though a meeting is scheduled in the near future, and this subject will be taken up."

Mr. David Basque introduced himself and was sworn in by the Chairman. He stated that he handled the building of homes for Mr. Gillespie. He stated that they have approximately 150 homes ready to get started and urged the granting of this petition so that the project could proceed immediately.

The Chairman asked if there were any other questions. There was no response; and the Chairman stated that he would like to make all documents part of the record of this proceeding.

The public hearing was closed.