

SP66-38

CHRISTINE K. LINDSEY

January 16, 1967

Planning Commission
County of Hawaii
Hilo Armory
Hilo, Hawaii

Gentlemen:

At its meeting on January 13, 1967, the Land Use Commission voted to deny the grant of a special permit to Mrs. Christine K. Lindsey (SP66-38) to subdivide a 2-acre parcel districted for agricultural use into nine residential lots of 9,280 square feet each at Puukapu Homesteads, 2nd Series, Kamuela, Hawaii, described by Tax Map Key 6-4-22: 1.

Enclosed for your information is a copy of the Commission's staff report which formed the basis for the denial.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Encl.
cc: Chairman Thompson
Mrs. Christine K. Lindsey

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

Item SP66-38 Lindsay
Place State Highways
Hilo, Hawaii

Date January 13, 1967
Time _____

Commissioners	Yes	No	Abstain	Absent
BURNS, C.E.S.				
FERRY, J.	<i>abs.</i>			
INABA, G.	✓			
MARK, S.		✓		
NISHIMURA, S.	✓			
OTA, C.				
WENKAM, R.		✓		
WUNG, L.	✓			
THOMPSON, M.		✓		

Comments:

motion to approve - not carried

STATE OF HAWAII
LAND USE COMMISSION

State Highways Division, District
Engineers Office, 50 Makaala Street,
Hilo, Hawaii

2:30 P.M.
January 13, 1967

STAFF REPORT

SP66-38 - CHRISTINE K. LINDSEY

Background

An application for a special permit submitted by Christine K. Lindsey has been forwarded for final approval by the Hawaii County Planning Commission. The request is for permission to subdivide a two-acre parcel districted for agricultural use into nine residential lots of 9,280 sq. feet each. The property is located at Puukapu Homesteads, 2nd Series, Kamuela, Hawaii and described by TMK 6-4-22:1.

Approval of the special permit is recommended by the Hawaii County Planning Commission on the following grounds:

1. Proposed subdivision is in conformance with the County General Plan.
2. Proposed use will not require additional governmental improvements.
3. Proposed use will not essentially change the character of the area as there are urban-sized lots adjacent to this area.

Conditions set by the County Agency are:

1. The request to create 9 lots be modified to 6 lots. (approximately 14,500 square feet each).
2. The lot created fronting the Mamalahoa Highway shall include the 50-foot power line easement and 20-foot pipe line easement. This lot shall remain in open space for the power and water line easements.
3. Subdivision be in conformance with County regulations.

4. Proposed subdivision be applied to the Planning Commission within one year as of the date the Land Use Commission approves this special permit or deem the request as null and void.

The Land Study Bureau places soils of the subject property in the Nienie and Maile soil series. It is non-stony, well-drained, dark brown in color and well-suited for machine cultivation. The master productivity rating is C, denoting fair overall suitability for agricultural use. Median annual rainfall approximates 48 inches in this area.

With the exception of a few houses in the subdivided portion of petitioner's land and along the south side of Mamalahoa highway, the surrounding area is predominately in pasture.

A sizeable portion of vacant land in the area is taken up by non-conforming scattered sub-divisions. Of a total of 554 lots in these subdivisions, about 365 are sold but only about 24 homes have been constructed. Actual utilization of these lots for the purpose for which they were subdivided is practically nil, as evidenced by the number of actual homes constructed. These urban residential subdivisions, consisting of narrow straight spurs (see pink shading on map) serve as prime examples of scattered subdivisions which shift agricultural lands into non-revenue producing residential uses. Along a two-mile section of Mamalahoa highway fronting the subject lands, six scattered spur subdivisions have been platted before the effectuation of the Land Use Law. The use proposed under this special ~~plan~~^{PERMIT} would only add to this urban scatter.

The staff finds that:

1. the use sought cannot be classified as unusual and is contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.
2. it would adversely affect surrounding property by imposing urban uses where agricultural uses are predominant.
3. unusual conditions, trends and needs have not developed since establishment of the boundaries and regulations.
4. the land is suited for the uses permitted within the district (agricultural).
5. the proposed use will substantially alter the essential character of the land.

6. the proposed use will not make the highest and best use of the land for the public welfare.

It is therefore recommended that the special permit be denied.

January 3, 1967

Mrs. Christine K. Lindsey
P. O. Box 12
Kamuela, Hawaii

Dear Mrs. Lindsey:

The Land Use Commission next meets at 2:30 p.m., in the District Engineers Office, State Highways Division, 50 Makaala Street, Hilo, Hawaii on January 13, 1967.

At that time, your application for a special permit (SP66-38) will be reviewed.

Although there is no requirement for you to be present, should you wish to attend, please feel free to do so.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Hawaii Planning Comm.

Eagle-A
Type-erase
100% COTTON FIBER

COUNTY OF HAWAII
PLANNING COMMISSION

Applicant Christine K. Lindsey
Date of Public Hearing October 21, 1966
Date of Decision November 25, 1966
Meeting Place County Board Room
Date Decision and Findings Forwarded
to LUC November 30, 1966

SPECIAL PERMIT

SP66-38

The Planning Commission of the County of Hawaii pursuant to consideration required by the provisions of Act 204, SH 1963, hereby transmits the decision and findings of the above special permit request to use the following described property:

Lot 105, Puukapu Homesteads, 2nd Series, Waimea, South Kohala, Hawaii
tax map key 6-4-22:1

for the following purpose(s):

To allow the creation of 9 urban-sized lots

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State of Hawaii
LAND USE COMMISSION

The Commission decided to: Approve the request

on the basis of the following findings:

1. Proposed subdivision is in conformance with the County General Plan.
2. Proposed use will not require additional governmental improvements.
3. Proposed use will not essentially change the character of the area as there are urban-sized lots adjacent to this area.

subject to the following conditions:

1. The request to create 9 lots be modified to 6 lots. (approximately 14,500 square feet each)
2. The lot created fronting the Mamalahoa Highway shall include the 50-foot power line easement and 20-foot pipe line easement. This lot shall remain in open space for the power and water line easements.
3. Subdivision be in conformance with County regulations.
4. Proposed subdivision be applied to the Planning Commission within one year as of the date the Land Use Commission approves this special permit or deem the request as null and void.

(Signed)

Raymond H. Lindsey
Director, Planning Commission

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COUNTY PLANNING COMMISSION
County of Hawaii

State of Hawaii
LAND USE COMMISSION

October 21, 1966

A regularly advertised public hearing, on the application of Christine Lindsey, was called to order at 1:36 p.m., in the Conference Room of the County Board of Supervisors, by Chairman Robert M. Yamada.

PRESENT: Robert M. Yamada
John T. Freitas
Hiroo Furuya
Kenneth Griffin
Isamu Hokama
Masayoshi Onodera
Cirilo E. Valera
Raymond H. Suefuji
Philip I. Yoshimura

ABSENT: William J. Bonk
Walter W. Kimura
Robert J. Santos
Edward Toriano

Kazuhisa Abe
and three persons in public attendance

NOTICE OF PUBLIC HEARING

Special Permit: Puukapu Homesteads, Waimea, South Kohala

NOTICE IS HEREBY GIVEN of a public hearing to be held in the Board of Supervisors Conference Room, Hilo, Hawaii, State of Hawaii, at 1:30 p.m., on October 21, 1966, to consider the application of Christine Lindsey, owner, for a Special Permit within the County of Hawaii in accordance with the provision of Section 98H-6, Revised Laws of Hawaii 1955, as amended.

The Special Permit is for the purpose of allowing the creation of 9 urban-sized lots approximately 9,680 square feet each in a State Land Use Agricultural District located approximately 1700 feet west of the "Nani Waimea Subdivision," on the north side of Mamalahoa Highway on a portion of Lot 105, Puukapu Homesteads, 2nd Series, Waimea, South Kohala, and covered by tax key: 6-4-22:1.

Maps showing the area under consideration for Special Permit and the rules and regulations governing the application for Special Permit are on file in the office of the County Planning Commission in the Hilo Armory Building on Shipman Street and are open to inspection during office hours.

All written protests or comments regarding the above Special Permit application may be filed with the County Planning Commission before the date of the public hearing or submitted in person at the public hearing or no later than fifteen (15) days following the public hearing.

COUNTY PLANNING COMMISSION
OF THE COUNTY OF HAWAII

Robert M. Yamada, Chairman
By: Raymond H. Suefuji, Director

(Hawaii Tribune-Herald: October 11 and 19, 1966)

YAMADA: "We will go into the public hearing on Item 1. Today we have two special permit requests. I will read one hearing notice and I will read the other one from the agenda. (Mr. Yamada read the public hearing notice.)

"Will the staff give the background of this application."

YOSHIMURA: "The applicant, Christine Lindsey, seeks a special permit as prescribed in the State Land Use regulations to create urban-sized lots in an Agricultural District. The proposed development is situated on the north side of Mamalahoa approximately 2½ miles east of Waimea town, toward Honokaa. The proposed development entails approximately 2 acres which the applicant wishes to subdivide into 9 lots of 9,280 square feet per lot. In 1963, the applicant subdivided a strip of land just north of this subject's land and fronting a 40-foot Government road into 37 lots with area per lot averaging approximately 9,870 square feet.

"The 2-acre strip which the applicant wishes to subdivide is presently vacant with surrounding land use including five single-family residential dwellings located in alternating lots within the aforementioned subdivision just above this 2-acre strip. The remaining areas within a half a mile radius are characterized by small farms or ranches with a scattering of residential homes.

"The County General Plan indicates area in residential use. Existing facilities include County water, electricity, and telephone.

"And that, Mr. Chairman, ends the background."

YAMADA: "Is there any question from the members who would like to direct to Mr. Yoshimura? Thank you, Mr. Yoshimura.

"Is there anyone in the audience who would like to speak for or against this request just presented by Mr. Yoshimura?"

KAZUHISA ABE: "Mr. Chairman and Honorable members of the Planning Commission. This is an application for special permit. As reported by your staff, at one time all of the lands which have been subdivided in 1963 together with 2 acres which is being asked for a special permit to subdivide into nine urban house lots of 9,760 square feet more or less, composed of one lot.

"At the time in 1963, when an application was made in the area to subdivide into house lots of approximately 9,760 square feet, the subject's land containing an area of 2 acres was not subdivided for the reason that Mr. John Kaikapuna, the father of the applicant, was very dissatisfied with the Hawaiian Homes Commission. If you will note in the map, the Hawaiian Homes Commission has a 20-foot water easement over the parcel in question. There was an understanding and agreement between Mr. Kaikapuna and the Hawaiian Homes Commission that Mr. Kaikapuna will be given the right to draw up the water free of charge. This was not done by the Hawaiian Homes Commission, therefore, the area in question was purposely left in agricultural zone.

"Mr. John Kaikapuna died some time ago and Christine K. Lindsey, applicant of the land who is the daughter, is making this application.

"It is rather useless to have a 2-acre lot for farm purposes in that area. The area is now utilized for pasture; and I am sure your Honorable members of the board will agree with me that it would be a rather useless piece of property to be used as pasture; and I feel that under the provisions of the statutes, this is a rather unusual subdivision and the area in question can be reasonably used as urban house lots; and we are asking that this Honorable body find and recommend to the Land Use Commission for permission to grant a special permit so that the 2-acre lot in question may be subdivided into urban house lots approximately 9,760 square feet more or less.

"If there are any questions, I would be more than happy to answer."

YAMADA: "Is there any question from the members or the staff that would like to ask Senator Abe? Mr. Suefuji."

SUEFUJI: "Mr. Abe."

ABE: "Yes."

SUEFUJI: "In practice, the applicant's subdivision in the back lots are being used as two consolidated lots. In other words, they are building their houses on every other one. Formerly, the applicant came to say that the lots itself are too small, and we are wondering why they are creating the same type of lots again."

ABE: "I believe the houses are being built alternately because this is a package deal, and you know how attractive tract houses would be if they are built consecutively on the lot. The reason for this, building on alternate lot, is for that purpose, and there is no anticipation on the part of Mrs. Christine Lindsey to consolidate two lots into one. I have been informed that because of the slow sales of this package homes, they are contemplating offering the lots for sale without homes, and I am sure that the sale of the lots is on the basis of 9,760 square feet. I am sure if the members of the Commission feel that the lots should be approximately doubled in size, I don't think there will be strong objection on the part of the applicant."

YAMADA: "I have a question."

ABE: "Yes."

YAMADA: "On the home being built on every other lot, have there been indication of lots being too small, especially for sales purpose?"

ABE: "That is correct."

SUEFUJI: "If the lot is too small to build houses consecutively, it will give the appearance of being attractive, that they want to build houses; therefore, voluntarily they are spacing every other one."

ABE: "They are necessitating the use. Especially where as it is the frontage is 60.2 feet."

SUEFUJI: "I remember, they wanted formerly to consolidate two lots."

ABE: "As I indicated, there would be no strenuous objection if the board would recommend that instead of nine lots, I don't know how much we can consolidate all, nine lots according to this; if the recommendation is that the lots be bigger, I am sure, the recommendation will be followed."

SUEFUJI: "He is having problem on the frontage."

ABE: "That's right."

YAMADA: "Any other question? Mr. Onodera."

ONODERA: "Mr. Abe, Hawaiian Homes water easement. Does that go through the property?"

ABE: "Yes. If you will note - do you have a map there? Do you see the pipe line going through the Hawaiian Homes Commission land? Mr. Onodera."

ONODERA: "It is right next to the farm lots?"

ABE: "Yes."

ONODERA: "The corner lot?"

ABE: "Yes. That is the reason why the 2 acres was not put into urban area because the Hawaiian Homes Commission put in the pipe line."

ONODERA: "Was the easement removed?"

ABE: "No. The pipe line is going to be there."

ONODERA: "Is that what is going to be put up for sale?"

ABE: "Yes. In the easement, the Hawaiian Homes Commission can get into this lot any time to repair the pipe or change the pipe. He can use the area for pipe line. Of course, it doesn't mean that one be prevented from building a structure or any structure on that easement."

YAMADA: "Is there any other question?"

ONODERA: "Do we have any minimum requirement as far as the width of the easement."

SUEFUJI: "It is not stipulated in our subdivision ordinance."

YAMADA: "Any other question? If not, thank you Senator Abe."

ABE: "Thank you very much."

YAMADA: "The hearing is closed."

The public hearing was adjourned at 1:50 p.m.

Respectfully submitted,

Lei A. Tsuji
(Mrs.) Lei A. Tsuji, Secretary

A T T E S T :

Robert M. Yamada
Robert M. Yamada, Chairman
County Planning Commission

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COUNTY PLANNING COMMISSION
County of Hawaii

October 21, 1966

State of Hawaii
LAND USE COMMISSION

The County Planning Commission met in regular session at 1:35 p.m. in the Conference Room of the Board of Supervisors with Chairman Robert M. Yamada presiding.

PRESENT: Robert M. Yamada
John T. Freitas
Hiroo Furuya
Kenneth Griffin
Isamai Hokama
Masayoshi Onodera
Robert J. Santos
Cirilo E. Valera
Raymond H. Suefuji
Philip I. Yoshimura

ABSENT: William J. Bonk
Walter W. Kimura
Edward Toriano

MINUTES

The minutes of the regular meeting held on September 16, 1966, were approved as circulated on a motion of Mr. Griffin, second of Mr. Hokama, and carried.

PUBLIC HEARING

The meeting was recessed at 1:36 p.m., to conduct the following public hearings:

1. Request of Christine Lindsey for a special permit to allow the creation of 9 urban-sized lots approximately 9,680 square feet each in a State Land Use Agricultural District.
2. Request of Richard Smart dba Parker Ranch for a special permit to allow the establishment of a car rental and taxi service business.

The meeting was reconvened at 2:07 p.m., since the public hearing on Item 3 scheduled at 2:00 p.m. was withdrawn.

MASTER PLAN & ZONING
COMMITTEE REPORT

The following items were discussed and action taken accordingly:

1. ANNUAL PLANNING
CONFERENCE

The Chair took the liberty to place this matter under the New Business of the agenda.

2. PROPOSED AMENDMENT
KAWAIHAE-PUAKO
GENERAL PLAN

A discussion followed on the deferred matter of the proposed amendment to the County General Plan of the Kawaihae to Puako shoreline to redesignate the resort, residential, multi-family, commercial, industrial, semi-public, and open spaces.

The staff reported that the Director had met with Walter Collins of Belt, Collins and Associates, Department of Transportation, and Hawaiian Homes Commission in Honolulu to discuss the discrepancy which the Hawaiian Homes Commission brought up at the last month's public hearing. It was learned that the statement made by

Mr. Collins at the hearing was correct in that they had discussed this matter with the Hawaiian Homes Commission prior to the public hearing. In order to arrive at an amicable solution, a compromise was made to amend the General Plan from Open Space to Industrial in Kawaihae north of the harbor on the makai side of the Kawaihae-Mahukona highway with the stipulation that when the area is zoned, it shall remain as Open District until such time that the need for industrial use arises after all the mauka industrial section is built up.

On a motion of Mr. Valera and second of Mr. Onodera, the Commission voted to go along with the new compromise plan to amend the Kawaihae industrial area from Open Space to Industrial.

3. AMENDMENT
VARIANCE REQUEST
RESIDENTIAL ZONE C
TRUSTEE, HILO BOARDING
SCHOOL

The members next discussed the request by the Trustees of the Hilo Boarding School for an amendment to the variance granted to allow a period of three years for office use in the Residential Zone "C" with an option to extend the lease for one more year if needed.

According to the letter received from the applicant, they stated that the conditions placed on this approval for a period of 2 years are such that they cannot lease this building to C. Brewer. It was stated that the lessee cannot expect to occupy a new office building within 2 or 3 years and that they are desperate for space. It was mentioned that this building is the only one in Hilo that can accommodate them.

The staff reported that there is adequate parking for the proposed use. Therefore, the staff recommended that an amendment to the variance be approved for a period of 4 years.

Mr. Griffin moved to accept the staff's recommendation. The motion was seconded by Mr. Freitas and carried unanimously.

4. LAND USE COMMISSION
REZONING REQUEST
HAWAII-PACIFIC LAND
COMPANY, INC.

The request by Hawaii-Pacific Land Company, Inc., was considered for a change in zoning boundaries from Agricultural to Urban District in Kealahou Homesteads, North Kona, comprising of 40.95 acres for the purpose of

subdividing into cluster-type residential lots.

The staff reported that the parcel is fairly contiguous to an Urban District. The General Plan indicates low density residential area. The proposed Kealahou school site is situated adjacent to this area.

The staff recommended that approval for the proposed use be forwarded to the Land Use Commission on the basis of the following findings:

1. Subject's land is adjacent to an existing Urban District.
2. Subject's land is within an area general-planned for low-density, residential development.
3. Area is not suitable for agricultural use due to its poor soil condition.
4. Urbanization of this area is reflected on the State plans to locate a low-cost housing in this area and the relocation of the Kailua Elementary School.
5. In the event the subject's land is changed to an Urban District, the Planning Commission shall stipulate the minimum size lots to reflect the General Plan of area.

It was moved by Mr. Valera, seconded by Mr. Onodera, and carried that a favorable recommendation be forwarded to the Land Use Commission.

PUBLIC HEARING

The meeting was recessed at 2:25 p.m., to conduct the following public hearings:

1. Request of Kailua Riviera Condominium for a variance to allow the development and construction of a 16-unit condominium apartment.
2. Request of Jack B. Greenwell for a variance to allow the development of a commercial use.
3. Request of Ernest Teixeira for a variance to allow the construction and operation of a drive-in eating place.
4. Request of Paul T. Matsumoto for a variance to allow the conversion of an existing dwelling to a neighborhood store.
5. Request of Eihiro Kaneshiro for amendment to the County General Plan and concurrently for a change in zoning from the present classification in a Residential District into a Neighborhood Commercial District and to change the present Residential "A" zone into a Neighborhood Shopping Zone respectively.
6. Request of Mokuaukama Church to establish a cemetery.

The meeting was reconvened at 3:47 p.m., and the Chair called for a 5-minute recess.

The meeting was reconvened at 4:00 p.m.

SUBDIVISION COMMITTEE REPORT

On a motion of Mr. Freitas and second of Mr. Griffin, the Commission voted to approve the Subdivision Committee report on Item Nos.

2 to 6 inclusive, 9, 11 to 16 inclusive, and 18 to 23 inclusive.

The following items were discussed and action taken accordingly:

7. WAIMEA, SOUTH KOHALA
ANNA L. PERRY-FISKE
TMK: 6-4-15-1

Preliminary approval of the proposed subdivision of Lot 1, portions of R. P. 6836, L. C. Aw. 4227, Apana 2, and Grant 7561, (Lot 85, Puukapu Homesteads, Second Series), Waimea, South

Kohala, Hawaii, into 2 lots of 3.00 acres and 76.157 acres.

The staff reported that the applicant claimed that there is a gravel road provided for as access to the 3-acre lot. In the letter, it is mentioned that there is an unimproved Government Road, 20 feet wide and that there is an existing 4-inch pipeline located within the said road. The Board of Water Supply commented that there is no water line as mentioned in the applicant's letter.

A member of the Commission from Waimea stated that he believed this roadway was presently bulldozed and that there is no indication that it is in gravel.

Mr. Freitas moved for deferment for further check by the staff as to the existence of the roadway. The motion was seconded by Mr. Griffin and carried.

8. KEAUAHOU 2, NORTH KONA
RALPH FUKUMITSU, ET AL.
TMK: 7-8-05:18 & 19

Preliminary approval of the proposed consolidation and resubdivision of the J. Sugai Lot and Lot 2, being portions of L. C. Aw. 5561-D at Keauhou 2, North Kona, Hawaii, into 5 lots

all in excess of 21,780 square feet.

On a motion of Mr. Griffin and second of Mr. Furuya, the Commission voted to grant preliminary approval to the proposed consolidation and resubdivision, subject to each and every provision of Ordinance No. 24, excepting those provisions which are specifically modified as follows:

1. Sidewalks are not recommended and sewers need not be constructed.
2. Installation of an 18-foot pavement according to the modified specifications of the Department of Public Works within the 40-foot roadway.
3. The 40-foot roadway shall be kept in private ownership and perpetual right-of-way for ingress and egress to a public highway shall be granted to all the lots and so stated in the deeds.

As a condition of approval, all lot corners shall be marked by one-half ($\frac{1}{2}$) inch round galvanized pipe, or equal, set in the ground with 4 inches protruding above the ground and permanently cemented.

Land shall not be offered for sale, lease or rent until recordation of the final subdivision map.

Construction drawings for roadway and water system shall be submitted to the Department of Public Works, the Board of Water Supply, and the Planning Commission, and construction work started upon the approval thereof.

Final approval for recordation shall be granted upon 1) completion of the roadway and submission of a written notification thereof to the Planning Commission and acceptance of the water system by the Board of Water Supply or 2) entering into an agreement with the County of Hawaii and posting of a deposit, surety bond, certified check, or other guarantee acceptable to the County Attorney to pay for the full cost of the aforementioned improvements.

10. KAWAIIHAE 1ST, SOUTH KOHALA
DEPARTMENT OF HAWAIIAN HOME
LANDS
TMK: 6-1-01:por. 3

Preliminary approval of the proposed "Kaei Hana - II" subdivision, (Industrial Area) at Kawaihae 1st, South Kohala, Hawaii into 8 lots all in excess of 2.1 acres.

The staff reported that the proposed subdivision includes the makai area, north of the Kawaihae Harbor, showing one lot of 15.8 acres for industrial use. This is the conflict in the General Plan which was discussed at the public hearing. The area was proposed for an Open Space but a compromise was made with the Department of Hawaiian Home Lands to designate this area as Industrial but to show on the zoning map as an Open District until the need arises for industrial use after utilizing the industrial lands on the mauka side.

It was moved by Mr. Freitas, seconded by Mr. Griffin, and carried that the action on the matter be deferred until the adoption of the County General Plan amendment for the Kawaihae area.

(Mr. Griffin excused himself from the meeting and left temporarily.)

17. KAHALUU, NORTH KONA
ALBERT ONAKA
TMK: 7-8-15:20

Final approval for recordation of the proposed subdivision of Lot 20, Kahaluu-Keauhou House Lots, being a portion of R. P. 6856, L. C. Aw. 7713, Apana 6, Kahaluu, North Kona, Hawaii,

into 2 lots of 25,330 square feet and 27,070 square feet.

The staff reported that there is a question of a structure being too close to the boundary, and it may require relocation or removal of one structure or a redesign of the boundary.

It was moved by Mr. Freitas, seconded by Mr. Furuya, and carried that preliminary approval to the proposed subdivision be granted, subject to each and every provision of Ordinance No. 24, excepting those provisions which are specifically modified as follows:

1. Sidewalks are not recommended and sewers need not be constructed.
2. The 20-foot easement shall be kept in private ownership and perpetual right-of-way for ingress and egress to a public highway shall be granted to both lots and so stated in the deeds.

As a condition of approval, all lot corners shall be marked by one-half ($\frac{1}{2}$) inch round galvanized pipe, or equal, set in the ground with 4 inches protruding above the ground and permanently cemented.

Land shall not be offered for sale, lease or rent until recordation of the final subdivision map.

Final approval for recordation shall be granted upon on-site investigation by the staff on the question of the structure being too close to the boundary and approval thereof if satisfactory to all appropriate agencies.

20-a KAHALUU, NORTH KONA
HIDEO MATSUDA
TMK: 7-8-15:26

Preliminary approval of the proposed subdivision of Lot 26, Kahaluu-Keauhou 1 Houselots, being a portion of L. C. Aw. 7713, R. P. 6856, Ap. 6, Kahaluu, North Kona, Hawaii, into 2 lots of

21,780 and 22,673 square feet.

The staff reported that this application was inadvertently omitted from the agenda of the Subdivision Committee and felt that if action is not taken, it will automatically become approved after 45 days.

The staff recommended preliminary approval to the proposed subdivision, subject to each and every provision of Ordinance No. 24, excepting those provisions which are specifically modified on sidewalks and sewers.

As a condition of approval, the subdivider is required of the following:

1. All lot corners shall be marked by one-half ($\frac{1}{2}$) inch round galvanized pipe, or equal, set in the ground with 4 inches protruding above the ground and permanently cemented.
2. Submission of revised final plats showing consolidation of easement with Lot 26-A and a 10-foot radius curve at the entrance of Mamalahoa Highway.

Land shall not be offered for sale, lease or rent until recordation of the final subdivision map.

Final approval for recordation shall be granted upon submission of revised final plats.

Mr. Freitas moved to grant preliminary approval with the stipulations recommended by the staff. The motion was seconded by Mr. Onodera and carried.

24. OBJECTIONS TO
RESTRICTIVE
BOUNDARY MARKINGS

The State Department of Transportation forwarded a letter objecting to the restrictive wording of restoring boundary markers affected by the highway construction in their previous sub-

division application. The Commission was informed that the State complies with Section 111-40 of the Revised Laws of Hawaii 1955.

The staff reported that in essence this Section applies as follows: "in all cases in which a boundary marker along the right-of-way of a public highway has been disturbed or removed by a public agency in connection with the widening, construction, or maintenance of the highway, the public agency which caused the disturbance or removal shall, if requested by an owner of land a boundary marker of which has been so affected, restore the boundary marker or set a new one at the point of intersection of the affected boundary of such owner's land with the boundary of the right-of-way; provided, that no such boundary marker shall be restored or set unless its proper location has been established by law or by agreement of all persons having an interest in the location thereof."

The Chair recommended that the letter be accepted and filed.

LAND USE COMMISSION
SPECIAL PERMIT
CHRISTINE LINDSEY

A public hearing was held on the request of Christine Lindsey for a special permit to allow the creation of 9 urban-sized lots approximately 9,680 square feet each in a State Land Use

Agricultural District located approximately 1,700 feet west of the "Nani Waimea Subdivision," on the north side of Mamalahoa Highway on a portion of Lot 105, Puukapu Homesteads, 2nd Series, Waimea, South Kohala.

Action was deferred until next month's meeting. Act 205 (State Land Use Law) prohibits the Commission to act on such petition earlier than 15 days after the public hearing.

LAND USE COMMISSION
SPECIAL PERMIT
RICHARD SMART

A public hearing was held on the request of Richard Smart dba Parker Ranch for a special permit to allow the establishment of a car rental and taxi service business located on the

north side of the Kamuela Airport Access Road, on a 60,000 square-foot lot at Waikoloa, South Kohala.

Action was deferred until next month's meeting. Act 205 (State Land Use Law) prohibits the Commission to act on such petition earlier than 15 days after the public hearing.

INTERIM ZONING
VARIANCE REQUEST
AHUALOA JAPANESE
LANGUAGE SCHOOL

The request of Ahualoa Japanese Language School was withdrawn for a variance to allow the development and construction of a recreational hall with kitchen and toilet facilities at Ahualoa Homesteads, Hanalei.

INTERIM ZONING
VARIANCE REQUEST
KAILUA RIVIERA CONDOMINIUM

After a duly held public hearing, the request of Kailua Riviera Condominium was considered for a variance to allow the development and construction of a 16-unit condominium apartment.

The proposed use will be located on a lot approximately 18,980 square feet in area, on the makai side of the Alii Drive, approximately 1,500 feet north of the "Alii Kai Subdivision," in Puapuaa 2nd, North Kona.

The staff recommended deferral of the application in order to allow the staff to write to the applicant to request information on the following:

1. Adequacy of water service.
2. Willingness to come down to 15 units to adhere to a maximum of 1,250 square feet per unit.
3. Conformance with health regulations as to setback.
4. Consent of the residents in the immediate vicinity for an apartment zone at this time.

Mr. Freitas moved to defer action on the variance request. The motion was seconded by Mr. Hokama and unanimously carried. Mr. Griffin was temporarily absent and excused.

INTERIM ZONING
VARIANCE REQUEST
JACK B. GREENWELL

After a duly held public hearing, the request of Jack B. Greenwell was considered for a variance to allow the development of a commercial use. The proposed use will be located on

a lot approximately .229 acre in area, on the makai side of the Mamalahoa Highway, across the highway from the Konawaena School Road at Onouli 1st, South Kona.

The staff recommended approval on the variance request as it finds that strict adherence to the Interim Zoning Ordinance will cause undue hardship and practical difficulty because of the following reasons:

1. Proposed use will not be detrimental to adjoining properties nor lower property values.
2. Proposed use will not change the essential character of the neighborhood as the site was originally utilized for commercial purposes.
3. Proposed use will not be against the County General Plan as commercial use is an ancillary support to residential uses within a medium density urban development.

The staff further recommended that approval be granted under the following conditions:

1. Proposed use conform to all requirements of the State Department of Health, the building and water regulations and the County driveway ordinance.
2. Off-street parking be provided in an area approved by the Chief Engineer and Planning Director on the basis of 1 stall per 200 square feet of gross floor area utilized for the commercial purposes.
3. The Commercial uses shall be limited to the ice cream parlor and music store for retail of musical instruments and music lessons.
4. All of the above conditions shall be met with proposed renovation to be completed within 18 months or occupancy permit shall be withheld.

5. Conversion of buildings for business purposes shall start within a period of one year or variance be deemed null and void.

On a motion of Mr. Freitas and second of Mr. Hokama, the Commission voted unanimously to approve with conditions as stipulated. Mr. Griffin was absent and excused.

(Mr. Santos came to the meeting at this point.)

VARIANCE REQUEST
RESIDENTIAL ZONE B
ERNEST TEXEIRA

After a duly held public hearing, the request of Ernest Texeira was considered for a variance to allow the construction and operation of a drive-in eating place. The proposed use will

be located at the northeast corner of the Kaao Road and Hawaii Belt Road intersection, on Lot 60 of the Texeira Subdivision in Kaao Homesteads, Honokaa, and containing an area of 10,759 square feet.

The staff recommended denial on the application for a variance because of the following reasons:

1. Applicant has not shown any reasonable degree of hardship which interferes as to the allowable use of land.
2. Granting of such a variance will be a granting of a special privilege inconsistent with the limitations imposed upon other properties under identical zoning classification.
3. Granting of such a variance will militate against the County General Plan.
4. Granting of such a variance will hinder the over-all development of Honokaa town or any other villages and towns which were by-passed by the new Belt Highway.

Mr. Hokama moved for denial of the application. The motion was seconded by Mr. Valera and unanimously carried. Mr. Griffin was absent and excused.

VARIANCE REQUEST
RESIDENTIAL ZONE C
PAUL T. MATSUMOTO

After a duly held public hearing, the request of Paul T. Matsumoto was considered for a variance to allow the conversion of an existing dwelling to a neighborhood store. The proposed

use will be located at the northeast corner of the Kupulau Road-Ainaola Drive intersection, Lots 1 and 2, Waiakea Homestead, 2nd Series, (Waiakea Camp 6), Waiakea, South Hilo, and containing an area of 11,670 square feet.

The staff recommended deferral on the variance application based on the following reasons:

1. Applicant has not shown that there are special or unusual circumstances applied to the property which do not generally apply to similar surrounding property as the existing building can be utilized as a single-family residential dwelling.
2. Granting of the variance will constitute a grant of personal and special privilege inconsistent with the limitations upon other properties under identical zoning classification of Residential "C" district.
3. Granting of the variance will militate against the County General Plan.

4. Staff or applicant write to Land office for availability of land across the street for use at this time for Neighborhood Commercial purposes.

The staff explained that the General Plan has designated the State land right across the street for Neighborhood Commercial use. The Land Use Commission zoned this parcel into Agricultural District. The Waiakea Uka area is 3 miles away from a Neighborhood Shopping District. In Waiakea Camp 4 (1½ miles makai), there is a small store for everyday needs, but they were given an eviction notice to get out so the applicant feels there will be no store to serve the community. It was pointed out that there is no hardship shown for use of the land as zoned and he cannot meet the criteria for granting of the variance; however, there is need for the proposed neighborhood store.

Mr. Santos moved for approval of the variance request with the usual conditions as follows:

1. Proposed conversion to a store be in conformance with building, health, and water regulations.
2. Off-street parking be provided on the basis of 1 stall per 200 square feet of gross floor area of the store paved with all-weather, dust-free surface. (Plan submitted shows adequate parking.)
3. Variance permit is only for the renovation of existing building; any further expansion of store shall require a new variance or rezoning.
4. Renovation to store be made substantially as plans submitted to this office.
5. All conditions shall be met including off-street parking, or the occupancy permit shall be withheld.
6. Construction to renovate existing building to start within one year or the variance shall be deemed null and void.

The motion was seconded by Mr. Furuya and unanimously carried. Mr. Griffin was absent and excused.

GENERAL PLAN AMENDMENT
REZONING REQUEST
RESIDENTIAL ZONE A
EIJIRO KANESHIRO

After a duly held public hearing, the request of Eihiro Kaneshiro was considered for an amendment to the County General Plan and concurrently for a change in zoning from the present classification in a Residential District

into a Neighborhood Commercial District and to change the present Residential Zone "A" into a Neighborhood Shopping District respectively; located on the east side of Makai Street, approximately 300 feet north of Kahaopea Street, Waiakea Homesteads, 1st Series, Waiakea, South Hilo, and containing an area of 21,780 square feet.

The staff recommended deferment until a sketch of the applicant's proposal is submitted showing the revised plans as mentioned in the public hearing.

Mr. Onodera moved for deferral. The motion was seconded by Mr. Valera and carried unanimously. Mr. Griffin was absent and excused.

CEMETERY ZONING
AGRICULTURAL DISTRICT
MOKUAIKAU CHURCH

After a duly held public hearing, the request of Mokuai Kaua Church was considered for the establishment of a cemetery. The proposed use will be located adjacent to an existing Chinese

Cemetery on the makai side of the new Kuakini Highway at Keauhou 2nd, North Kona, Lot 57, and containing an area of 2.272 acres.

The staff recommended that a recommendation of approval be forwarded to the Board of Supervisors for the application of Mokuaikaia Church to designate a cemetery site in Keauhou, North Kona, because of the following reasons:

1. The recently adopted Zoning Ordinance conditionally permits a cemetery in an agricultural-zoned district. It is anticipated that the subject's land shall be zoned as such.
2. The cemetery site will not substantially change the character of the area as there is an existing cemetery just adjacent to this property.
3. Condition of well-drained, deep soil is conducive for burial plots.
4. No urban encroachment into this area is anticipated as indicated by the County General Plan.

The staff further recommended that approval be granted on the following conditions:

1. Submission of deed and complete description of the proposed cemetery site as required by the cemetery site Ordinance No. 362, County of Hawaii, as amended.
2. Off-street parking be provided within the cemetery site on marked stalls or along shoulders of roadway within site.
3. Submission of detailed construction drawings of any proposed developments such as water line, sewage disposal, roadway, building and a layout of the burial plots.
4. All of the conditions shall be subject to the approval of the Chief Engineer, Planning Director, Manager-Engineer, and Department of Health.

The staff also added that it will be necessary to ask the Board of Supervisors for a variance on submission of an abstract or certificate of title of the proposed cemetery site in view of the seller's condition that the buyer obtain governmental approval for use of Lot 57 as a cemetery.

On a motion of Mr. Onodera and second of Mr. Freitas, the Commission voted to approve unanimously with the foregoing recommendations stipulated by the staff.

ADOPTION OF
PLANNING COMMISSION
RESOLUTION NOS. 69 to 71

Residential Zone "A" to Neighborhood Shopping District.

The staff recommended deferment on the adoption of all three resolutions pertaining to the General Plan amendment of Kohala-Hamakua Region and the city of Hilo and the rezoning of

The Chair so ordered.

CHAMBER OF COMMERCE
SUBDIVISION STREET MAPS

maps situated within the city limits.

The Chairman mentioned that the Japanese Chamber of Commerce was desirous of procuring the most recent street names and subdivision

The Director further added to the comment by stating that the request went to the County Chairman and a copy of the communication was forwarded to the Commission. The actual intent was to secure a map showing all subdivisions on the entire island with the street names thereon. They were informed that this would be impossible because of the voluminous file and it would not be able to provide the complete file on a gratuitous basis inasmuch as the scope and cost of such voluminous

documents would be excessive as would the work required in order to run off this great number. The Director informed the members that the current street maps for the city of Hilo is available.

(Mr. Griffin came back to the meeting at this point.)

1967 ANNUAL
PLANNING CONFERENCE

A discussion ensued on the 1967 Hawaii Congress of Planning Commissioners and Directors Conference slated for February.

One of the Co-chairman, Mr. Griffin, reported that the general consensus of the group was preference for Kona. The consideration of Mauna Kea Beach Hotel as a possible conference site was stricken out because of the cost factor. The hotel rates for Kona or Hilo was reported to be about the same. If the conference is held in Kona, it was felt that there would not be as much representation as it would be in Hilo. The tentative date was selected for February 23 to 25 inclusive which would be on Thursday, Friday, and Saturday. It was also brought out that Wednesday being a holiday, the members from the neighbor islands could arrive in Kona or Waimea on Tuesday afternoon and spend time there before coming into Hilo or vice versa for Saturday night and Sunday.

The Director mentioned that by holding it in Hilo, it would give the largest scope of recent developments generally in town, including the Kaiko'o area. There are more readily available facilities in recreation, hotels, transportation, equipment, and so forth. The funding of Hilo members and the preparation for the conference would become easier.

The general consensus of the members was that it should be held in Hilo. The Co-chairman will proceed with plans and get together with the Director in notifying the different islands and inform them of the problems if held elsewhere than Hilo.

EFFECTUATION OF
NEW ZONING ORDINANCE

The Chairman announced that in order to create good public relations prior to the public hearings on the zoning maps in the districts, the Director with the approval of the Commission will hold advance meetings in the district to apprise them of what zoning would do to their property and answer questions individually to small groups and organizations. The Kona zoning maps are presently being prepared and public hearings will be scheduled shortly. The Kona Torch newspaper offered to reduce the zoning maps for publication in that paper.

Since there were no oppositions to this plan, the Chair recommended that the Director go ahead and coordinate the public hearings.

ADJOURNMENT

The meeting was adjourned at 5:12 p.m.

Respectfully submitted,

/s/ Lei A. Tsuji

(Mrs.) Lei A. Tsuji, Secretary

A T T E S T :

Robert M. Yamada, Chairman
County Planning Commission

COUNTY OF HAWAII
COUNTY PLANNING COMMISSION

RECEIVED

DEC 6 1966

FOR OFFICIAL USE ONLY

Date petition and fee received by
Commission 8/26/66

Date Petition is scheduled for public
hearing 10/21/66

Date Commission took action and its
ruling _____

APPLICATION FOR SPECIAL PERMIT

(I) (~~We~~) hereby request approval for a Special Permit to use certain property located at Puukapu Homesteads, Waimea, South Kohala, Hawaii in accordance with provisions of Section 98H-6, Act 205, SLH 1963 for the following described purpose.

Urban use . To allow the area to be subdivided into 9 urban-sized lots.

Description of Property:

Portion of Lot 105, Puukapu Homesteads, 2nd Series, Waimea, South Kohala, Hawaii, described in Grant 7333 to Maleka Makekao, TMK 6-4-22-1, containing an area of 2.00 acres.

Petitioner's interest in subject property:

Sole owner

Petitioner's reason(s) for requesting Special Permit: The applicant alleges that

~~NOTE: The applicant must show that all of the following conditions exist:~~ 1) that there are unusual or exceptional circumstances applying to the subject property, building or use which do not generally apply to surrounding property or improvements in the same zone district; 2) that the unusual or exceptional circumstances which apply to the subject property, building or use are reasonable and proper and will not be materially detrimental to public health, safety, morals, and general welfare; nor will it be injurious to improvements or property rights related to property in the surrounding area; 3) that the strict enforcement of the zoning regulation would result in practical difficulties and unnecessary hardship inconsistent with the intent and purpose of Act 205; and 4) that the granting of a special permit will not be contrary to the objectives of the Master Plan or Plans of the State and/or County Government.

The application will be accompanied with a deposit of \$ 50.00 to cover publication and administrative costs and a map of the area proposed for change.

Signature Christine K. Lindsey

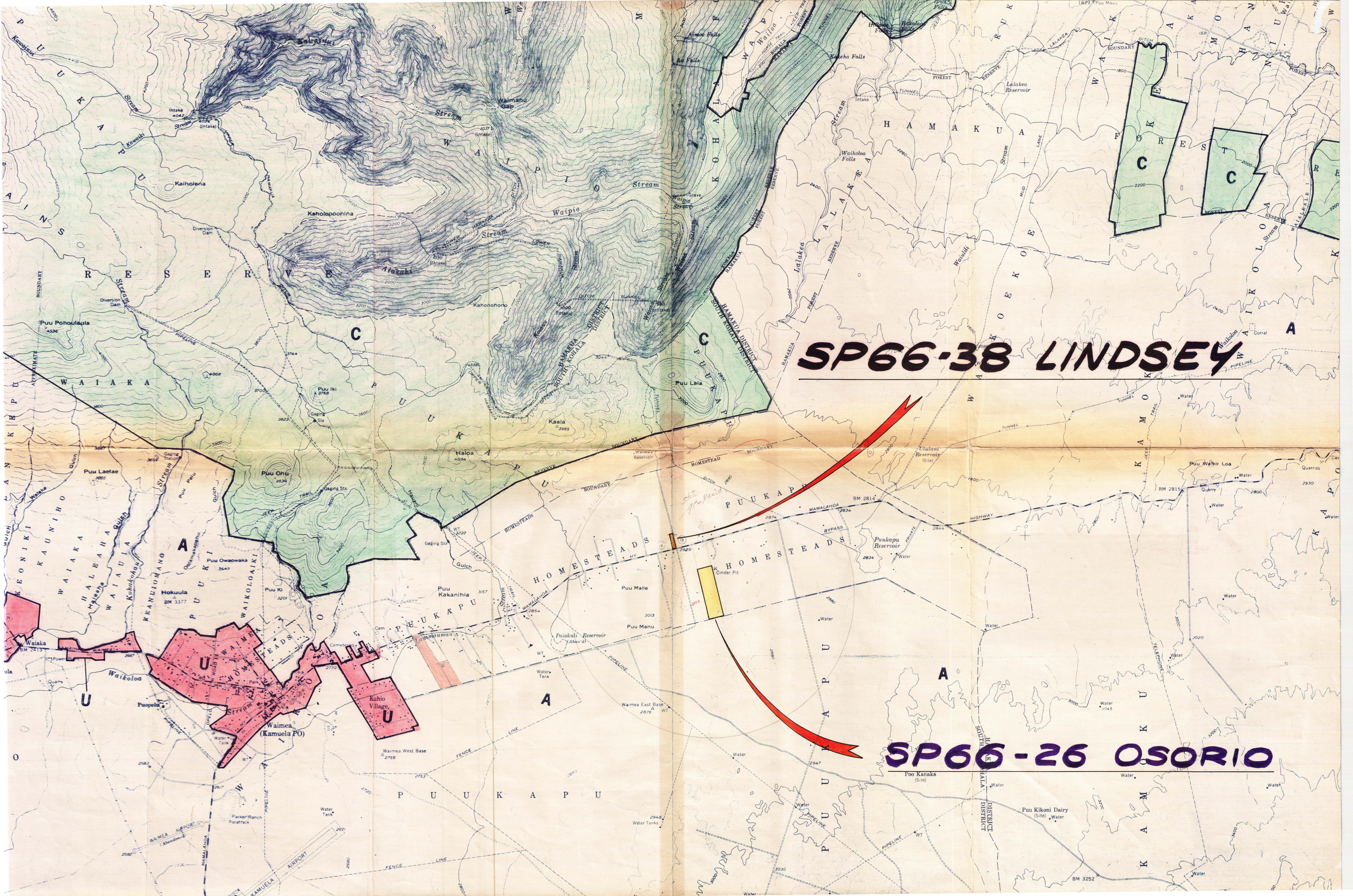
Address P. O. Box 12, Kamuela, Hawaii

Telephone 854-222

This space for official use

The property is situated in a(n) _____ District.

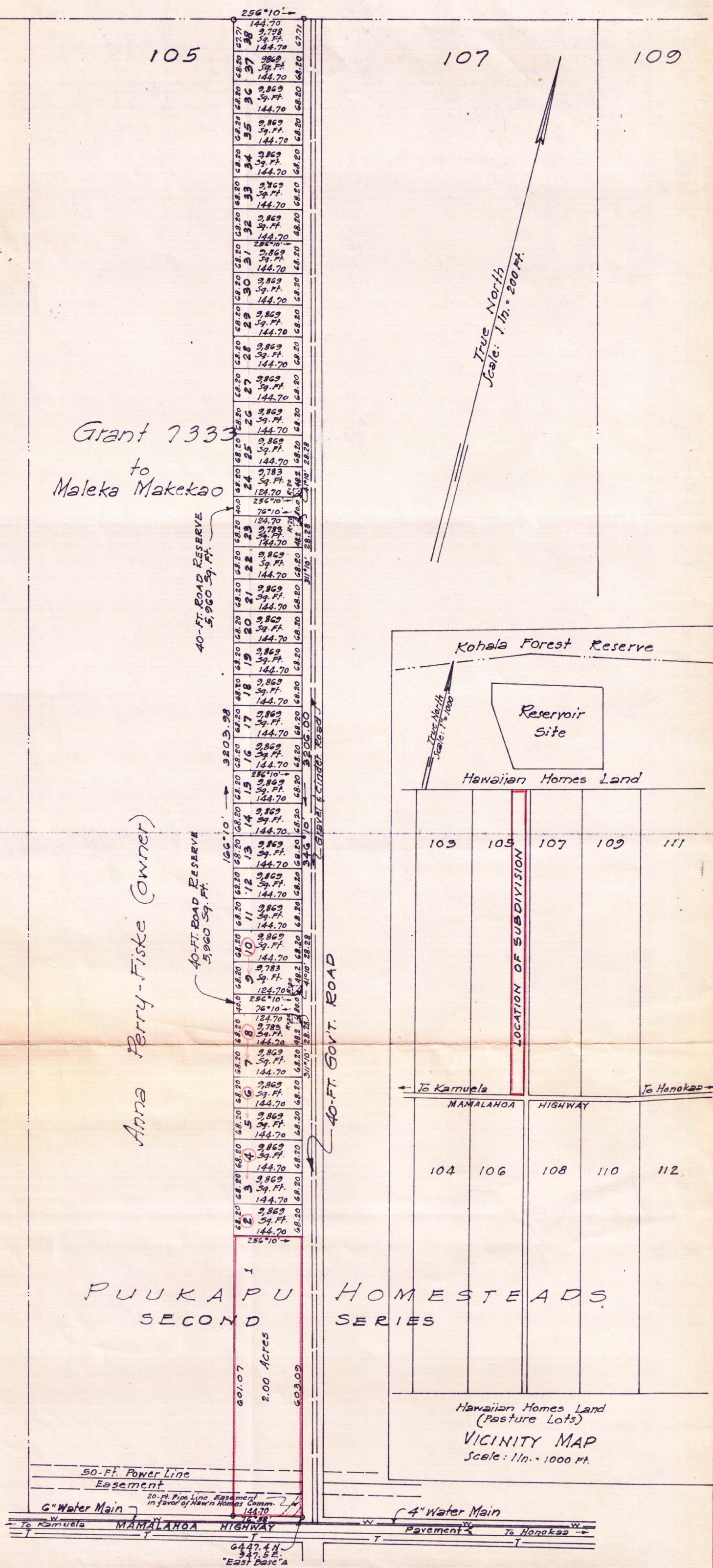
REMARKS:



SP66-38 LINDSEY

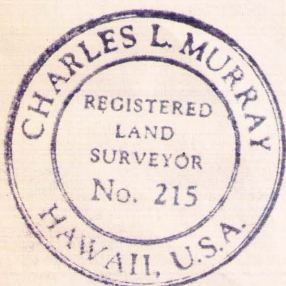
SP66-26 OSORIO

Hawaiian Homes Commission Land



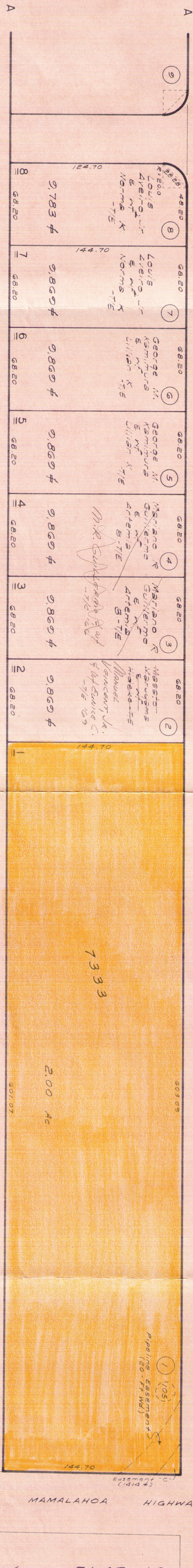
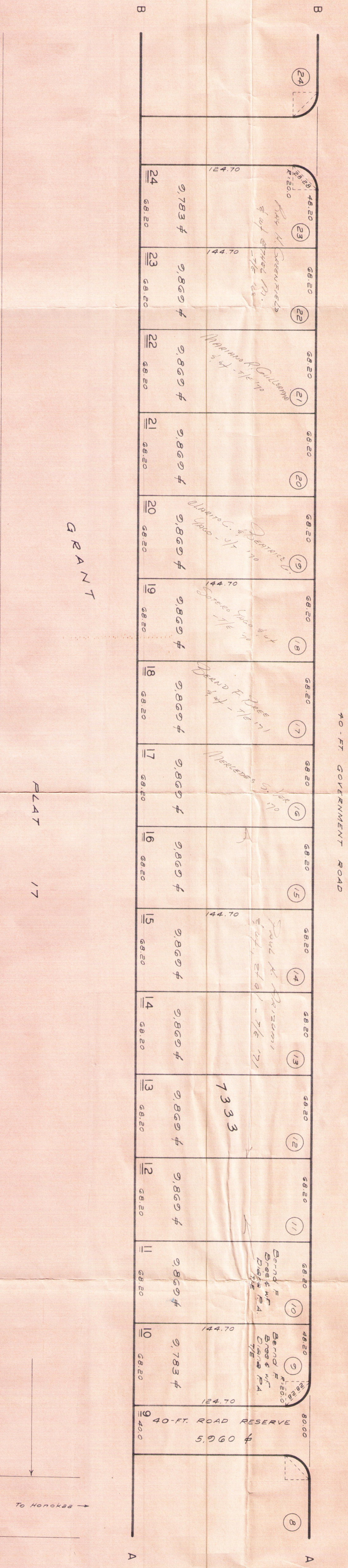
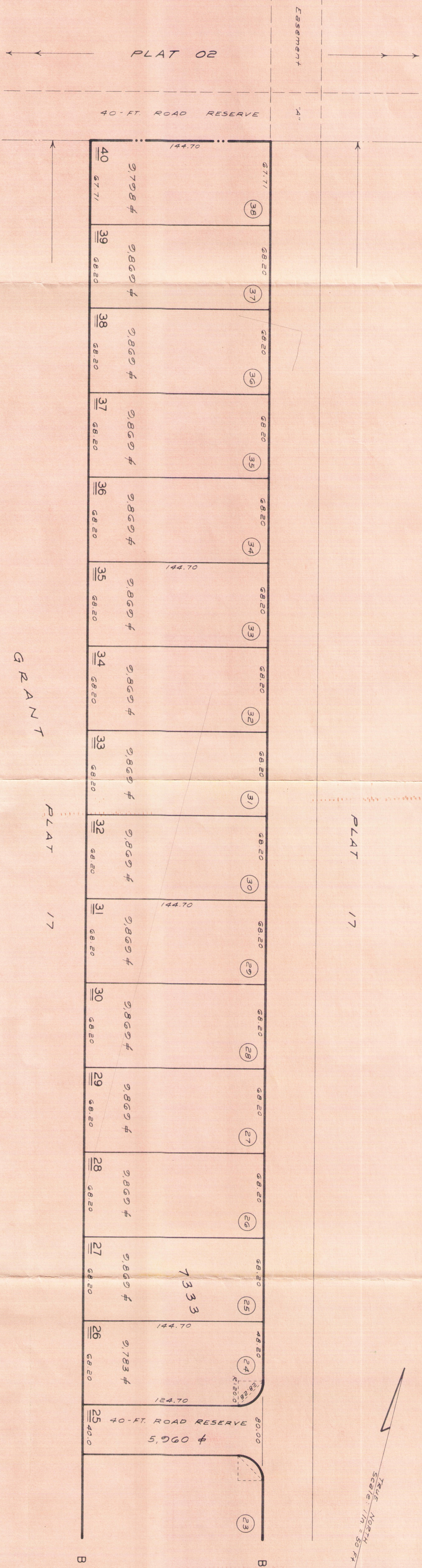
Tax Map Key: 6-4-02: 1
 Area of Tract 10.65 Ac.
 Number of Lots - 38

SUBDIVIDER:
 Christine Lindsey
 P.O. Box 23, Honolulu, Hawaii



SUBDIVISION OF
 A Portion of Grant 7333 to Maleka Makekao
 (Being a portion of Lot 105, Puukapu Homesteads)
 Waimea, South Kohala, Hawaii
 Scale: 1 Inch = 200 Feet
 Plan by Murray, Smith & Associates, Ltd. ~ June, 1963
 P.O. Box 863, Hilo, Hawaii

TRUE NORTH
SCALE 1" = 50 FT



Por. GRANT 7333, LOT 105, PUKAPU HOMESTEADS, 2nd SERIES, SOUTH KOHALA, HAWAII. (formerly por. 6-4-17)

NOTE: Parcels 36 to 40
to be owned by
Christine K. Lindsay
unless otherwise noted

NOTE: All lots owned by
Christine K. Lindsay
unless otherwise noted

FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE

DEPARTMENT OF TAXATION PROPERTY ASSESSMENT DIVISION TAX MAPS BRANCH STATE OF HAWAII THIRD TAXATION DIVISION			
ZONE	6	4	22
SEC			
PLAT			
SCALE: 1 IN. = 50 FT.			

THIRD	DIVISION
6	4 02

CONTAINING 2 PARCELS

SCALE: 1" = 500' ±

PARTMENT OF THE TAX COMMISSIONER
TAXATION MAPS BUREAU
TERRITORY OF HAWAII

TAX MAP

THIRD

DIVISION

6

SCALE: 1 IN. = 2000 FT.

JUN 13 1966

DWG. NO.: 1000 Revised
SOURCE: Hawaii Territory Survey
BY: H.N./JY DATE: January 1953

