

SP-67-42

TORAO MATSUYAMA

April 3, 1967

Planning Commission
County of Hawaii
Hilo, Hawaii

Gentlemen:

At its meeting on March 31, 1967, the Land Use Commission voted to approve the grant of a special permit to Mr. Torao Matsuyama (SP67-42) to convert an existing non-conforming auto repair shop to a washerette in Kealahou, South Kona, identifiable by Tax Map Key 8-2-02: 28.

Enclosed for your information is the staff report.

Very truly yours,

RAMON DURAN
Executive Officer

Encl.
cc: Department of Taxation
Mr. Torao Matsuyama

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

Item SP67-42 - TORAO MATSUYAMA

Date March 31, 1967

Place Hilo, Hawaii

Time _____

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

Comments:

Approved

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

State Highways Division
Hilo, Hawaii

March 31, 1967 - 2:10 p. m.

Commissioners Present: Myron B. Thompson, Chairman
C. E. S. Burns
Robert Wenkam
Shelley Mark
Jim Ferry
Goro Inaba
Leslie Wung
Shiro Nishimura

Staff Present: Ramon Duran, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Draftsman
Dora Horikawa, Stenographer

The meeting was called to order by Chairman Thompson who offered a short prayer. An explanation of the procedures to be followed during the hearings and introduction of Commissioners and staff were followed by the swearing in of persons planning to testify before the Commission.

HEARINGS

PETITION OF BENJAMIN T. INOUE & PETER & MELODIE ADUJA (A66-146) TO RECLASSIFY 20 ACRES OF AGRICULTURAL LANDS TO URBAN LANDS, AT WAIKEA HOMESTEAD, SOUTH HILO, HAWAII, Tax Map Key 2-4-03: 38 and 40

A verbal request was made by Mr. Roy Nakamoto on behalf of John Ushijima, attorney representing petitioners, for continuation of this hearing to a later date, to afford the Hawaii County Planning Commission the opportunity to submit a reconsideration of its original recommendation for denial on this petition to the Land Use Commission. Mr. Nakamoto further advised that the Planning Commission agreed to conduct a general plan study of the entire area, including petitioners' lands, and that an amended recommendation would be forthcoming within a few months.

Inasmuch as no one voiced any objections to this request, it was moved by Commissioner Nishimura and seconded by Commissioner Wenkam to continue the hearing on this petition. The motion was carried by a unanimous vote.

PETITION OF HAWAII MILL CO., INC. (A67-147) TO RECLASSIFY 19.6 ACRES PRESENTLY IN THE AGRICULTURAL DISTRICT INTO THE URBAN DISTRICT AT SOUTH HILO, HAWAII, Tax Map Key 2-5-28: 16

Staff report presented by the Executive Officer recommended approval of

See page 5

the petition based on analysis and field investigation of the site in question; provided the Commission initiate a boundary change to include parcel 20 and the intervening lands into the Urban District (see copy of report on file).

Mr. Curtis Carlsmith, attorney for the petitioner, called on two witnesses, one a realtor and the other a former long-time resident on the subject parcel, to answer any questions that the Commissioners might want clarified.

Mr. William A. Beard, Manager of the Real Estate Department of the First Trust Company of Hilo, Ltd., testified that he has lived in Hilo for nearly 30 years and was very familiar with the subject parcel; that the soil was very shallow, poorly suited for agricultural uses. The land was part of a large estate belonging to Mr. James Henderson and has been in urban use continuously for the past 50 or 60 years. It was his belief that close to 20 acres could be subdivided into a very desirable subdivision.

Mr. Harold J. Henderson, 743 Kaumana Drive, President of Hawaii Mill Co., stated that the land had never been used for agricultural purposes and that the adjacent plantation camp had been in existence for more than 55 years.

Mr. Carlsmith offered "Statement in Support of Petition" signed by H. J. Henderson, as evidence for the records in lieu of making an oral presentation. (See copy of statement on file.)

Commissioner Wenkam asked about the small separate parcel located within the subject lands. Mr. Carlsmith advised that the owner, Mr. Detor, had been contacted, and had expressed indifference over the zoning of his property, that he would be equally agreeable to an urban or agricultural classification. Chairman Thompson requested Mr. Carlsmith to solicit a letter from Mr. Detor to this effect and Mr. Carlsmith agreed.

Mr. Carlsmith added that contrary to the original information submitted, the nearest school was located only about a mile away from subject lands and not 2.9 miles away.

The hearing was closed thereafter.

A short recess was called by Chairman Thompson.

The hearing was resumed at 2:50 p.m.

ACTION

PETITION OF HAWAII PACIFIC LAND CO. (A66-141) TO RECLASSIFY APPROXIMATELY 41 ACRES SITUATED AT KEALAKEHE, NORTH KONA FROM AN AGRICULTURAL TO AN URBAN DISTRICT, Tax Map Key 7-4-04: 10

Mr. Ah Sung Leong presented the staff memo on the above petition, recommending denial on the basis that sufficient reserve vacant land has been set aside for urban needs, petitioner had not conclusively substantiated the need for additional urban lands, and the proposed subdivision would be contrary to one of the principal objectives sought to be accomplished by the Land Use Law involving scattered urban developments. (See copy of report on file.)

Commissioner Burns wondered whether the proposed development was geared toward providing housing for people employed in the various industries or for general housing purposes, and was informed that it was aimed primarily at providing housing for people engaged in the tourist business. It was also brought out that there were no other similar developments known to the staff, in the vicinity of subject parcel.

Mr. Ben Gromet, President of Hawaii Pacific Land Company, developers, informed that the 3-bedroom homes, including fee simple land, would cost in the neighborhood of \$20,000. He explained that this figure might go higher, depending on the cost of the underground water system which was being installed.

Mr. Leong explained that presently there was an 8" pipeline going up to Honokohau School and that money was available to continue this on to Palani Junction. Additional funds were being requested to extend this to service the Kealakehe School site. Commissioner Ferry added that the testimony relating to the request for these additional funds before the Senate Ways and Means Committee and the House Appropriations Committee had been favorably received.

As substantiating evidence of need and demand for the proposed development, Mr. Kai advised that the petitioner had submitted, with his petition, letters from Inter-Island Resorts, Fair Trade Council, the Royal Hawaiian Air Service and others attesting to this effect. Mr. Kai mentioned that some employees were traveling 17 miles to get to work from Honokaa to Kailua. Through informal inquiries of the banks, Hawaii Visitors Bureau, Robert Schmidt of the Department of Planning and Economic Development, Bob Sousa, Mr. Kai was able to arrive at a formula projecting population growth for the area. The range varied from 2 employees per hotel room to 6 per room.

Mr. Kai emphasized that construction for the development would commence immediately upon approval by this Commission. He stated that petitioners were prepared to market a complete package deal of house and lot with financing. Mr. Gromet added that they had already developed a source of financing through the Bank of Hawaii, and very conceivably if they could get FHA backing, the project could be offered to the public for a nominal down payment.

Mr. Gromet assured the Commission that in contrast to low-cost housing which became "future slums", their project was going to be a cluster-type design, which will be done in assembly-line fashion to keep labor and re-production costs low.

Commissioner Ferry observed that competition in land uses encourages favorable prices and stabilizes the market. He said he believed that subject lands were best suited for an urban development in light of the anticipated developments planned for the area. He was also of the feeling that some credence should be accorded the developer on the basis of his past experiences and his ability to fulfill his commitments. Commissioner Ferry stated that a package deal of house and lot on the market would be tremendously successful. This in turn would force the absentee owners of urban lands in the vicinity to develop their lands for urban purposes, thus also resulting in equitable taxation.

Mr. Duran, Executive Officer, did not question Mr. Ferry's observations. However, he stated the Land Use Law mandates that this Commission justify boundary changes on the basis of need, and Mr. Duran felt that the staff had provided ample justification to show that there was a tremendous amount of vacant lands in the Kona area, not presently in use, that could be developed to accommodate the optimistic projection made by the petitioner. He could not see how the "need requirement" of the law was going to be justified in this case.

Commissioner Ferry commended the staff on the thorough job done of gathering statistical information. However, staff failed to note the diverse ownership pattern of urban lands in Kona--individual house lots owned primarily by absentee landowners, which did not contribute to the economy of the County or State.

In response to Commissioner Nishimura's question, Chairman Thompson advised that the Tax Office used the Land Use Commission's boundary lines as guidelines for determining the tax rates, but that the lands were probably assessed on their actual use.

Commissioner Burns moved to approve the petition on the basis that the petitioners had provided the necessary proof of need for this type of development in the area. Commissioner Wenkam seconded the motion and the Commissioners were polled as follows:

Ayes: Commissioners Burns, Ferry, Inaba, Nishimura, Wenkam, Wung,
Chairman Thompson

Nays: Commissioner Mark

The motion was carried.

SPECIAL PERMIT APPLICATION BY SHINOBU MORIMOTO (SP67-40) TO CONSTRUCT A BARBER SHOP AND STORE TO BE ATTACHED TO THE SOUTH SIDE OF THE EXISTING POST OFFICE ON THE MAUKA SIDE OF THE HAWAII BELT ROAD, Tax Map Key 2-8-16: 21

Staff report presented by Mr. Duran recommended approval of the special permit application based on evaluation of pertinent data and a field investigation of the site (see copy of report on file).

Commissioner Ferry moved to accept staff's recommendation for approval, seconded by Commissioner Inaba, and the motion was carried unanimously.

SPECIAL PERMIT APPLICATION BY PALMER SNYGG (SP67-41) TO CONSTRUCT AND OPERATE A HOTEL & SWIMMING POOL, ETC., ON MOLOKAI, Tax Map Key 5-7-07: 23, 25, 62, 63

On the basis of the analysis as outlined in the staff report and an investigation of the site, it was recommended by staff that the Commission accept the Maui County Commission's approval with the conditions.

Commissioner Nishimura requested clarification of the statement in the staff report "that special permit may be transferred to an unnamed corporation within 90 days from the date of final approval".

Commissioner Ferry explained that if the petitioner were unable to obtain the necessary financing to back such a project, he could form a corporation of individuals who would have the stability and ability to borrow the money to finance the project. This assured the County that this was ^{not} merely speculation, that construction would take place within 3 years.

Chairman Thompson raised another point for clarification in the staff report "that special permit apply to only those parcels which the applicant can acquire, provided these parcels are contiguous". Mr. Duran advised that the petitioner had taken options on some of these lots contingent on approval of the special permit by this Commission and that the maximum area would total 8 acres.

Mr. Snygg, petitioner, stated that the corporation, a California Corporation registered in Hawaii, had been formed and that they had purchased 3 pieces of the property.

Commissioner Ferry felt that Mr. Snygg should **not** have come in for a special permit request at this time if he were not in agreement with the stipulation imposed by the County Planning Commission that construction begin within three years from the date of final approval. Mr. Snygg replied that their original thinking was to begin construction within a year. However, there were many facets allied with the construction of a hotel that needed to be explored and Mr. Snygg felt that this might take a while.

Commissioner Ferry moved that staff recommendation be accepted and as stipulated by the County of Maui. The motion was seconded by Commissioner Wenkam and passed unanimously.

✓ SPECIAL PERMIT APPLICATION BY TORAO MATSUYAMA FOR THE PURPOSE OF CONVERTING AN EXISTING NON-CONFORMING AUTO REPAIR SHOP TO A WASHERETTE AT KEALAKEKUA, SOUTH KONA, Tax Map Key 8-2-02: 28

Mr. Duran presented the staff report recommending approval of the special permit since the request met the guidelines established by the Commission in determining "unusual and reasonable" use within an Agricultural District.

Commissioner Ferry moved to accept staff's recommendation, seconded by Commissioner Inaba, and the motion was carried. Commissioner Nishimura cast the only dissenting vote.

Mr. Duran stated for the records that the area covered under this special permit be seriously considered for inclusion into the Urban District when the boundaries are re-evaluated in the near future since the property abuts an Urban District.

REPORT ON STATUS OF LEGISLATIVE BILLS

HB-168 - To include planning Director of each county as ex-officio voting

members.

HB-415 - To include the planning Director of each county as ex-officio non-voting members.

During the hearing before the House Committee on Lands, it was brought out that the primary concern here was the length of time it took to process a special permit.

Since then a new bill has been submitted, HB 780, providing for a maximum of 60 days in which to conduct a public hearing on special permits after receipt of application, as compared with the present provision of 120 days. Chairman Thompson stated that the Commission went on record supporting this measure.

SB-230 - The commission shall consist of 9 members who shall hold no other public office.

Chairman Thompson suggested that the Commission request the addition of the Director of the Department of Taxation to membership on the Land Use Commission. This would be especially desirable during the re-evaluation of the district boundaries. Commissioner Ferry added that a member of the Department of Taxation would also provide an insight into the comprehensive reasoning behind the zoning process.

SB-865 - Authorizing suit against the State by James Tamura for claimed damages caused by granting him land to be used for residential purposes in an Agricultural District.

NEXT MEETING SCHEDULE

Mr. Duran reminded the Commission that the next meeting will be held on Maui in April, with the meeting to be continued in Honolulu the following day.

DIAMOND HEAD HEARING

Commissioner Wenkam pointed out that pressure for a hearing on Diamond Head was becoming very real. He expressed concern over the proposed urbanization of government lands near the lighthouse, and felt it should be clearly understood that this and other government lands be put into the Conservation District.

Chairman Thompson asked if the Department of Land and Natural Resources would have any objection to scheduling a public hearing on the Diamond Head issue. Commissioner Ferry replied that he had no objections. The only area in question was the second increment of 60 house lots since they were presently involved in improving access into the crater. It was suggested that the Department of Land and Natural Resources review the boundary first and perhaps the hearing could be scheduled in May or June on a Saturday.

STATUS OF THE COMMISSION

Chairman Thompson advised that the appointment of a Maui Commissioner

was still pending. His own replacement will have to await his return from the mainland. Until such time as these replacements are effectuated, the Commission will have to operate with 7 members. It was important today to appoint a temporary chairman, and Chairman Thompson recommended Commissioner Burns for the position. It was moved by Commissioner Ferry and seconded by Commissioner Wenkam that Commissioner Burns serve as temporary chairman. The motion was passed unanimously.

Commissioner Burns agreed that until such time as the Commission was fully reconstituted, he was willing to serve in this capacity on an interim basis.

Chairman Thompson reflected that he had enjoyed working with the Commission over the years, and that it was an excellent learning experience. He emphasized that the success of the Commission would not have been possible without the excellent staff.

Commissioner Ferry paid tribute to Chairman Thompson in behalf of all the members who had served with him on the Commission. He acknowledged that the chairmanship was admirably served and diligently handled. He said that Chairman Thompson exercised discretion in avoiding serious conflicts and that the membership was always accorded equal opportunity to agree or disagree. The other members and the staff wished Chairman Thompson well in his new endeavors.

Commissioner Mark suggested that the foregoing be included in a resolution for the records.

Commissioner Burns requested that Mr. Roy Takeyama, legal counsel, prepare a resolution embodying the above expression of confidence.

STATE OF HAWAII
LAND USE COMMISSION

State Highways Division Office
Hilo, Hawaii

2:00 p.m.
March 31, 1967

STAFF REPORT

SP67-42 - TORAO MATSUYAMA

Background

A public hearing was held by the Hawaii County Planning Commission on January 20, 1967 in Kona on the above-mentioned special permit for the purpose of converting an existing non-conforming auto repair shop to a washerette on a lot containing 1.8 acres (TMK 8-2-02: 28) and located in Kealahou, South Kona.

On February 17, 1967, the County Planning Commission voted to approve the special permit subject to the following conditions:

1. Conversion of the building meet health, water and building regulations.
2. Paved off-street parking on the basis of one space/200 square feet of gross floor area be provided.
3. Ingress and egress to parking area meet Public Works Department requirements.
4. Conversion must start in one year.
5. No occupancy permit be issued until all conditions are met.

At the present time, the property in question is located within an Agricultural District on the makai side of Mamalahou Highway. The properties on the Kau side and on the mauka side of the highway are in the Urban District.

The applicant's property is presently occupied by an auto repair shop and a residence. Existing surrounding land uses include residential dwellings adjacent and across the street, and the Manago Hotel is situated on the Kau side, approximately 250 feet from petitioned property.

The Hawaii County General Plan indicated medium density urban development which includes residential and related activities. The County zoning is A-1 which is agricultural with a minimum allowable lot size of one acre. The present building is set back about 10 feet from the highway. There is a parking area for about 8 automobiles in front of the building, 4 more spaces than would be required by the County Zoning Ordinance, which will be paved with asphalt concrete.

Soil type is of the Honuauulu series--moderately deep soil and predominantly rocky, not adaptable to machine tillability and probably limited to only the growing of coffee. The annual rainfall in the area is approximately 60.5 inches annually. Water, telephone and electricity facilities are available to the site. Access is directly on to Mamalahoa Highway.

Recommendation

Upon analyzing and evaluating the above information and upon field investigation of the site, it is the conclusion of the staff that this request meets the guidelines established by the Commission in determining "unusual and reasonable" use within an Agricultural District and therefore recommends the special permit be approved and that serious consideration be given this area for inclusion into the Urban District when the boundaries are re-evaluated in the near future.

March 20, 1967

Mr. Torao Matsuyama
Captain Cook
Hawaii

Dear Mr. Matsuyama:

The Land Use Commission next meets at 2:00 p.m. at the State Highways Division Office, 50 Makaala Street, Hilo, Hawaii, on March 31, 1967.

At that time your application for a special permit (SP67-42) 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,

RAMON DURAN
Executive Officer

cc: Hawaii Planning Comm.



MAR 3 1967

State of Hawaii
LAND USE COMMISSIONS **SPECIAL PERMIT**

Applicant **Torao Matsuyama**
Date of Public Hearing **January 20, 1967**
Date of Decision **February 17, 1967**
Meeting Place **District Court of Kona**
Date Decision and Findings Forwarded
to LUC **February 27, 1967**

SP 67-42

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

Kealahakua, South Kona, Hawaii
TMK: 8-2-02:28

for the following purpose(s):

Allow the conversion of an existing auto repair shop to a washerette

The Commission decided to: approve the request

on the basis of the following findings:

1. Request is merely to convert an existing non-conforming use to another non-conforming use which would not adversely affect surrounding property.
2. Property is contiguous to an urban district which County proposes to zone as business.
3. Land upon which proposed use is sought is unsuited for agricultural use because of the smallness of property (.528 ac.) and the build-up of property for residential and non-conforming uses.
4. Proposed use will not substantially alter or change the essential character of the land.

subject to the following conditions:

1. Conversion of existing building to washerette be in conformance with health, water and building regulations.
2. Off-street parking be provided on the basis of 1 stall per 200 square feet of gross floor area of washerette, paved with all-weather, dust-free surface.
(4 stalls)
3. Egress and ingress to parking area shall be controlled by driveway requirements of the Public Works Department.
4. Said conversion shall start within one year of the date the Land Use Commission grants approval or special permit be deemed null and void.
5. No occupancy permit be issued until all conditions met.

(Signed)

Raymond H. Oregan
Director, Planning Commission

COUNTY OF HAWAII
COUNTY PLANNING COMMISSION

FOR OFFICIAL USE ONLY

Date petition and fee received by
Commission DEC 28 1966

Date Petition is scheduled for public
hearing _____

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 Captain Cook, Kona, Hawaii in accordance with provisions of Section 98H-6, Act 205, SLH 1963 for the following described purpose.

Proposed washerette

Description of Property:

TAK: 8-2-02:28

Petitioner's interest in subject property:

Lessee

Petitioner's reason(s) for requesting Special Permit:

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 Thomas Matsuyama

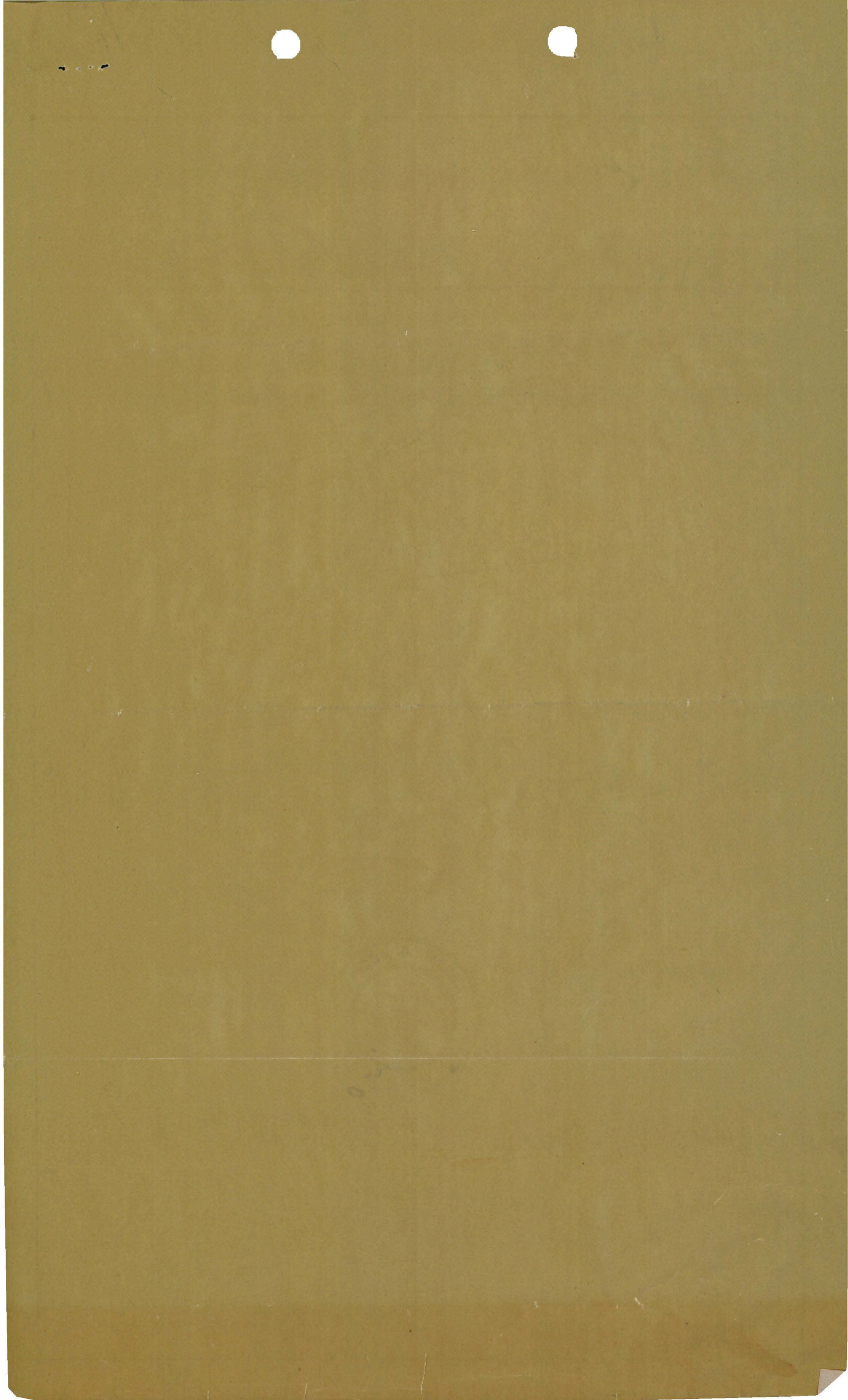
Address Captain Cook, Hawaii

Telephone 239-562

This space for official use

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

REMARKS:



RECEIVED

MAR 3 1967

COUNTY PLANNING COMMISSION
County of Hawaii

January 20, 1967

State of Hawaii
LAND USE COMMISSION

A regularly advertised public hearing, on the application of Torao Matsuyama, was called to order at 1:38 p.m., in the courtroom of the District Court of Kona, by Vice Chairman Walter W. Kimura.

PRESENT: Walter W. Kimura
William J. Bonk
John T. Freitas
Kenneth Griffin
Isamu Hokama
Masayoshi Onodera
Raymond H. Suefuji
Philip I. Yoshimura

ABSENT: Hiroo Furuya
Robert J. Santos
Edward Toriano
Cirilo E. Valera
Robert M. Yamada

Bessie K. Matsuyama
and approximately 60 persons in public attendance

NOTICE OF A PUBLIC HEARING

Special Permit: Kealakekua, South Kona

NOTICE IS HEREBY GIVEN of a public hearing to be held in the District Court of Kona, Kealakekua, South Kona, Hawaii, State of Hawaii, at 1:30 p.m., on January 20, 1967, to consider the application of Torao Matsuyama, Lessee, 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 conversion of an existing auto repair shop to a washerette located on the makai side of Mamalahoa Highway, approximately 250 feet northwest (Kailua side) of the Manago Hotel, on a lot 1.8 acres in area at Kealakekua, South Kona, Hawaii and covered by tax map key: 8-2-02:28.

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: January 10 and 18, 1967)

KIMURA: "At 1:30, we are scheduled to hold the public hearing at the request of Torao Matsuyama on a special permit. (Mr. Kimura read the notice of the public hearing.)

"At this time, may I call on the Director or his assistant to give us the background on this special permit."

YOSHIMURA: "The applicant, Torao Matsuyama, requests a special permit under the provisions of the State Land Use regulations to convert an existing auto repair shop to a washerette. Proposed conversion is situated on a lot containing 1.8 acres and located in Kealahou, South Kona.

"Subject's land is designated as agricultural under the State Land Use where the auto repair shop is considered as a nonconforming use. Also a washerette is considered as a nonconforming use. A request for special permit is required because no nonconforming use can be changed to another nonconforming use except through a special permit or change of land use boundaries.

"Subject's land is presently occupied by this auto repair shop and a residence. Surrounding land use include residential dwellings just adjacent and across the street. Manago Hotel is situated approximately 250 feet on the Kau side of this property. The Urban District under the State Land Use designation is contiguous to the subject's property on the Kau side and also across the highway.

"Soil type is of the Honouliuli series, consisting of moderately deep soil and predominantly rocky. Agricultural potential of property would be limited for machine tillability and most probably only to coffee.

"Electricity, telephone and water facilities are available for the requested use. Our County General Plan indicates area as medium density urban development where residential uses and related functions are permissible. Our proposed zoning is for A-1 acre which is agricultural with minimum allowable lot of one acre.

"To review the background, the subject's land is indicated in black here on the presentation map. Yellow indicates the residential areas. The Manago Hotel is situated in orange and various commercial uses indicated in red. The remaining areas are in coffee and have several other farm dwellings. The washerette as proposed is shown on the map. They proposed to have four dryers and twelve washers. And that, Mr. Chairman ends the background."

KIMURA: "Thank you. Any Commission members would like to ask any question?"

GRIFFIN: "Philip, is there parking in that area?"

YOSHIMURA: "Right now, there is. It is in front of the auto repair shop."

GRIFFIN: "The building comes up to the roadway?"

YOSHIMURA: "Just about 10 feet away."

GRIFFIN: "Is there anything in the presentation map that shows off-street parking?"

YOSHIMURA: "No. The only presentation is this reconversion to the washerette and also without showing the parking."

KIMURA: "Any further questions? Thank you Philip.

"Is there anyone in the audience who would like to speak for the granting of this special permit at this time? Mrs. Matsuyama, you have anything to say?"

BESSIE MATSUYAMA: "No."

KIMURA: "Is there anyone in the audience who would like to speak against the granting of this special permit? Record show none."

"Are there any further discussion by any of you members? Mr. Bonk."

BONK: "Is that Mrs. Matsuyama? Could we ask her questions?"

KIMURA: "Yes."

BONK: "I would like to follow up on Ken's question and see if she has any further statement on parking."

MATSUYAMA: "Would you like to talk about parking?"

BONK: "Yes. Would you have any specific parking space for parking along the front?"

MATSUYAMA: "We have adequate spaces now for parking in front of the building."

BONK: "How many parking spaces?"

MATSUYAMA: "I would say about 8 or 9 cars alongside the building right now."

KIMURA: "Any further discussion?"

GRIFFIN: "Is that diagonal parking?"

MATSUYAMA: "You can just drive into the parking area alongside the highway."

GRIFFIN: "So they will be reversing into the highway."

MATSUYAMA: "You could do it anyway. It is a wide entrance alongside the highway."

KIMURA: "Let us ask the Director how many parking would be required."

SUEFUJI: "According to the Comprehensive Zoning Ordinance, it would require one parking stall for every 200 square feet of gross floor area."

KIMURA: "Does the drawing show any square feet of the floor area?"

SUEFUJI: "It is 20' x 40' or 800 square feet. The question to clarify here is whether the off-street parking would be an improved one or open driveway to the extent of the length of the building. I think the establishment itself at the present time would not have a definite driveway. The entire width of the front of the building is utilized at the present time for a driveway and parking purposes. There is no delineation of a driveway nor improvements itself for a parking stall."

KIMURA: "One question to Mrs. Matsuyama. Do you think you people will be able to pave the area?"

MATSUYAMA: "We are going to pave it."

KIMURA: "Asphaltic pavement?"

MATSUYAMA: "Yes."

KIMURA: "Any further discussion or questions?"

"I want you to understand Mrs. Matsuyama that on this request for a special permit, for 15 days the Commission will not be able to decide, so the Commission will not take action at this time."

MATSUYAMA: "I understand."

KIMURA: "If no further discussion, the public hearing on Item 1 is closed."

The public hearing adjourned at 2:50 p.m.

Respectfully submitted,

Lei A. Tsuji

(Mrs.) Lei A. Tsuji, Secretary

A T T E S T :

/s/ WALTER W. KIMURA

Walter W. Kimura, Vice Chairman
County Planning Commission

COUNTY PLANNING COMMISSION
County of Hawaii
Hilo, Hawaii

January 20, 1967

The County Planning Commission met in regular session at 1:36 p.m., in the Courtroom of the District Court of Kona with Vice Chairman Walter W. Kimura presiding.

PRESENT: Walter W. Kimura
William J. Bonk
John T. Freitas
Kenneth Griffin
Isamu Hokama
Masayoshi Onodera
Robert M. Yamada
Raymond H. Suefuji
Philip I. Yoshimura

ABSENT: Hiroo Furuya
Robert J. Santos
Edward Toriano
Cirilo E. Valera

Jim P. Ferry, Bd. of Land and Natural Resources
Paul Tajima, " " " " " "

MINUTES

The minutes of the regular meeting held on December 16, 1966, were approved as circulated on a motion of Mr. Griffin, second of Mr. Onodera, and carried. The minutes of the special meeting held on January 10, 1967, were approved as circulated on a motion of Mr. Griffin, second of Mr. Hokama, and carried.

In the absence of Chairman Yamada, Mr. Kimura called the meeting to order. On behalf of the Commission, the Vice Chairman welcomed many of the Kona people in attendance. He apologized for the lack of sitting for everyone because the Commission did not expect so many to attend the afternoon meeting. He explained that this afternoon's meeting is the regular monthly meeting and the public hearing for the zoning of the Kona area will be held in the evening which is scheduled at 7:30 in the Konawaena High School cafeteria. A portion of this afternoon will be set aside for a continuation on the hearing of the Kailua Wharf development.

PUBLIC HEARING

The meeting was recessed at 1:38 p.m., to conduct a public hearing on the request of Torao Matsuyama for a special permit to allow the conversion of an existing auto repair shop to a washerette located on the makai side of Mamalahoa Highway, approximately 250 feet northwest (Kailua side) of the Manago Hotel, on a lot 1.8 acres in area at Kealahakua, South Kona.

The meeting was reconvened at 2:50 p.m.

INTERIM ZONING
VARIANCE REQUEST
DEPT OF LAND AND
NATURAL RESOURCES

A public hearing was held last month on the request of the State Department of Land and Natural Resources for a variance to allow the development and construction of a fishing charter booking service, ice plant, electric hoist and scale, bait and tackle shop, fresh fish market, and a seafood restaurant complex. The proposed use will be located on a lot approximately 44,600 square feet in area, on the existing Kailua Wharf in Kailua Village, Lanihau 2nd, North Kona.

The Chair ruled that this matter will be taken up after the hearing.

See page 7

LAND USE COMMISSION
CONSERVATION DISTRICT
HAWN IRRIGATION CO., LTD.

The State Board of Land and Natural Resources requested comments on the application by Hawaiian Irrigation Co., Ltd., to allow a "lookout restaurant" use in Kukuiahaele overlooking Waipio Valley.

The area is within the "General Use" subzone of the Conservation District comprising of approximately 5.5 acres.

The staff reported that the comments on the proposed development was forwarded to the Board of Land and Natural Resources stating that the Commission would like to hold a formal public hearing under the variance procedure of the County Interim Zoning regulations. A reply from the Board of Land and Natural Resources was received stating that the land uses within the Conservation District are to be administered by the Department of Land and Natural Resources and the uses of land in the "GU" and "RW" subzones do not require additional conformance with County zoning ordinances. A copy of a letter received from the Attorney General also indicated that the "GU" (General Use) subzone is a use subzone wholly within the Conservation District, which is exclusively under the zoning jurisdiction of the Department of Land and Natural Resources.

The Director mentioned that he had been talking to a staff member of the County Attorney's office on this matter. The Act 187 and Act 205 gave certain powers to the Department of Land and Natural Resources in administering uses within the Conservation Zone; however, the rules and regulations of the Department of Land and Natural Resources states that in allowing a use, the applicant must comply with all regulations pertaining to that use. Although the Act itself gave the Land Use Commission to delineate Conservation boundaries together with the other three districts and gave the power to administer the uses within the Conservation District to the Department of Land and Natural Resources, the County contends that zoning goes further than the uses itself. The Statutes itself did not take away the power of the County to enforce or create General Plans within this Conservation areas. The laws did not preclude this power from the County, therefore, it gave the County General Plan the uses itself. The proposed use itself is contrary to the goals and objectives of the General Plan. If the use is allowed and the Department of Land and Natural Resources allow such a use in the Conservation Zone, the County's question would be what types of standards would apply in the way of County building code, health requirements, County Zoning Ordinance which regulates parking, height, bulk, density, area requirement, and so forth. All these things enter into the picture, not only the restaurant being there; but under what conditions and what standards is this restaurant being approved. The County should look into it and check whether these applications on zoning is exempt from the powers of the Department of Land and Natural Resources.

Mr. Bonk moved to place this matter for deferral until the County Attorney gets the matter of jurisdiction clarified. The motion was seconded by Mr. Hokama and carried.

FLOOD PLAIN ZONING

A discussion followed on the request by the Board of Supervisors for study and evaluation of flood plain zoning as it relates to subdivision approval of localities subject to flood damage.

The staff reported that the County Chairman in his inauguration speech stated that he will initiate flood plain zoning in this County; therefore, it was felt that the Commission should go ahead and make some studies on this matter with the approval of the members.

The Commission in its action of June 18, 1965 meeting authorized the Director to confer with the Board of Supervisors to initiate flood plain zoning. At that time, it was felt that the State would be in a better position to enforce this zoning because they had the power, financing, and manpower to do this. If the

County would want some control before the State gets into this project, the County can designate areas for a Safety Zone. In order to come up with the flood plain zoning, it will require engineering ground survey with substantiating data because the use of the land may be restricted.

The staff mentioned that the flood plain zoning as it relates to subdivision approval will require this sort of zoning in granting subdivision approvals. It was reported that the Department of Land and Natural Resources made a study for the entire State concerning flooding of different areas. In this County, some of the areas include Puna District, in Waiakea, in Kona and another in Waimea. However, the study did not cover the entire possible areas. They included only those main watersheds subject to actual flooding. The report is on flood plains and the County could initiate zoning based on this report.

The Director reported that the staff is working on a draft for presentation to the Commission on the proposed Flood Plain Zoning Ordinance. The Drainage Study for the City of Hilo prepared for the Department of Public Works was received. The staff will look into the General Plan itself as designated and the zoning of the area for Open Space; therefore, the staff will be reviewing these areas in accordance with the present Zoning Ordinance and the Flood Plain Zoning supplement the criteria for structures in areas subject to flooding.

On a motion of Mr. Bonk and second of Mr. Onodera, the Commission voted to have the staff make a study on Flood Plain Zoning and submit its recommendations to the Commission.

TIME EXTENSION
INTERIM ZONING VARIANCE
KONA ENGINEERING CORP.

The request by Kona Engineering Corporation was considered for one year's extension of time on the Interim Zoning Variance Permit granted to allow the development and construction of an 18-unit, 6-story condominium apartment in Kailua, Kona.

The staff reported that the expiration date would be January 19, 1967 and recommended that a time extension of six months be granted since the new zoning Ordinance should be in effect by that time.

It was moved by Mr. Bonk, seconded by Mr. Onodera, and carried that a six months' extension as of January 19, 1967 be granted because of the possible adoption of the zoning maps.

INTERIM ZONING VARIANCE
KAILUA RIVIERA CONDOMINIUM

The members next discussed the deferred application of Kailua Riviera Condominium to allow the development and construction of a 16-unit condominium apartment on the makai side of Alii Drive, approximately 1,500 feet north of the "Alii Kai Subdivision," in Puapuaa 2nd, North Kona.

The Director reported that a communication from the developer was received on January 20 and dated January 19, 1967. Everything is in conformance according to Commission's action of October meeting. They have also submitted the revised final plans. Since the zoning map hearing is going to be held in the evening, and the Commission will have to look upon this parcel for a permanent zoning, the consideration of the granting of the variance becomes moot. The proposed district use is residential, and the Commission will have to review the application in light with the evening's hearing and also the proposal of the zoning map.

According to another staff member, it was mentioned that originally the applicant came in with 16-unit apartment with the proposed building to be built right up to the property line. Under the revised plan, the developer shows 14 units with setback of 10 feet and setback of approximately 35 feet in the front for parking and has provided adequate parking according to the Comprehensive Zoning Ordinance. The proposed zoning for this area has a density of 1.5 which allows only 12 units.

The Director mentioned that the surrounding area of this particular subject's property is predominantly single-family residences. Comments from some property owners were received to the effect that this area should be retained in Single-Family District.

On a motion of Mr. Bonk and second of Mr. Hokama, the Commission voted to defer action until after the public hearing on zoning for Kona.

EXTENSION REQUEST
INTERIM ZONING VARIANCE
KALIKO BURGESS CHUN

The request by Kaliko Burgess Chun was considered for another 24 months' extension of time on the Interim Zoning Variance Permit granted to allow the development and construction of a hotel-apartment complex in Kailua Village, Kona.

The staff reported that in March of 1966, the developer was granted the Variance Permit and allowed one year to start construction. The staff recommended a six months' extension at which time it was felt that the new Zoning Ordinance would be in effect.

It was moved by Mr. Bonk, seconded by Mr. Griffin, and carried unanimously to grant an extension of six months as of March 18, 1967 to start construction since the new Zoning Ordinance is expected to be in effect by that time.

LAND USE COMMISSION
REZONING REQUEST
BENJAMIN T. INOUE

The members next considered the request by the Land Use Commission for comments and recommendations on the application of Benjamin T. Inoue for amendment of Land Use District Boundaries from Agricultural to Urban District in Waiakea Homesteads, Waiakea, South Hilo, comprising of 20 acres for the purpose of subdividing into residential lots.

The staff reported that the applicant felt that the change of boundary is warranted because of the nonconforming, existing subdivisions surrounding the area. The existing subdivisions were approved prior to the enactment of the Land Use Laws which comprise of approximately 400 residential lots in the area. The urban zoning boundary line is about $\frac{1}{2}$ mile from the parcel in question. The proposed zoning designates Residential-Agricultural uses with one acre as the minimum allowed per lot.

The staff recommended denial on the basis of the following findings:

1. Although area is not suitable for intensive agricultural uses, our General Plan recognizes that area to remain in agricultural uses.
2. Subject's land is not contiguous to an existing urban district. The nearest Urban District is approximately $\frac{1}{2}$ miles further east.
3. Although trends of development show surrounding areas are utilized as residential uses with urban-sized lots, the urban district in Waiakea Homesteads have enough land to handle approximately 20,000 population.

4. Recognizing that vacant land in Urban District may not be open for urban use by the property owners, staff feels that until most of the surrounding residential areas are built-up, the subject's land should remain in the agricultural district.
5. The State Land Use Commission has denied a request to change 40 acres to Urban. This area was across the Kawaiilani Street and closer to the urban boundary.

The staff also added that the application on the 40-acre parcel across from the subject's property was denied by the Land Use Commission.

The Director further added that there are about six urban-sized subdivisions in the area. Presently with the exception of one small parcel, which is 10 acres in size, all the remaining large areas are already subdivided. The Land Use Commission chose to put this area in agricultural zone. The use to which the properties have been utilized is residential and there are urban facilities and utilities in this area. The County has a great deal of loss in revenue in this area. The criteria established by the Land Use Commission is that the property being applied for in change of boundaries should be contiguous to an urban boundary. Previously, in the districting of Land Use Boundaries, the staff contended that the areas now in urban use and areas in considerable urban growth shall be included. It was previously recommended that these areas be in Urban Zone although the structures were absent, the lot sizes established its use; but the Land Use Commission did not go along with the staff's recommendation. Their contention is that urban boundary changes are based upon number of lots created, and if the lots created are not built upon, they consider these lands to be vacant lands. The district classification would be determined by a hearing. It won't be automatically zoned.

Mr. Bonk moved for denial on this request. The motion was seconded by Mr. Onodera and carried unanimously.

The members felt that because of the existing nonconforming use, the entire area should be amended by having the Planning Commission initiate the zoning boundary change through application with the Land Use Commission. The area would be bounded by the existing Urban line, Kawaiilani, Kupulau, and Haihai Streets.

PUBLIC HEARING

The meeting was recessed at 2:30 p.m., to conduct a continuing public hearing from last month on the request of the State Department of Land and Natural Resources for a variance to allow the development and construction of commercial uses on the existing Kailua Wharf.

The meeting was reconvened at 3:22 p.m., and the Chairman declared a recess for 5 minutes.

The meeting was reconvened at 3:34 p.m.

INTERIM ZONING VARIANCE DEPT. OF LAND AND NATURAL RES. KAILUA WHARF DEVELOPMENT

After a continuing public hearing duly held, the request of the State Department of Land and Natural Resources was considered for a variance to allow the development and construction of a fishing charter booking service, ice plant, electric hoist and scale, bait and tackle shop, fresh fish market, and a seafood restaurant complex. The proposed use will be located on a lot approximately 44,600 square feet in area, on the existing Kailua Wharf in Kailua Village, Lanikai 2nd, North Kona.

The Director recommended deferral on this matter until after the evening's public hearing on the zoning map of Kailua. This afternoon the members had an opportunity to hear testimonies from a large number of people that did not have the chance to review the plan. It was pointed out that the members should also consider the zoning hearing scheduled for the evening on the question of zoning the wharf area properly. If after the evening's hearing, the question can be resolved as to what district it should be classified, the case before the Commission can be settled. He mentioned that the State in requesting a variance has their rights in requesting as any property owner has the right to express their opinion. It would be better to leave it open until the entire Kona district may be reviewed. He stated that he will be commenting on the pros and cons of the testimonies at the subsequent Commission meeting. At least, if the Commission defers this matter until after the hearing, the public has their rights to consider on this matter of zoning the wharf area, and the Commission the right to act upon that. This is just as true of all the comments received pertaining to their property--the members will be leaving the door open.

MR. Freitas moved for deferment until after the public hearing on the zoning maps. The motion was seconded by Mr. Hokama and carried unanimously.

LAND USE COMMISSION
SPECIAL PERMIT
SHINOBU MORIMOTO

A public hearing was held last month on the request of Shinobu Morimoto for a special permit to allow the construction of a barber shop and store to be attached to the south side of the existing post office, located on the mauka side of the Hawaii Belt, Road, approximately 7.5 miles north of Hilo, on Lot E-4 of the Takazawa Subdivision in Kula'mano Homesteads, South Hilo, and containing 19.738 square feet.

The staff recommended that approval be granted to the special permit request because of the following reasons:

1. Request is reasonable and unusual in an Agricultural District because immediate area is already built up as residential use with one nonconforming store 80 feet away from the lot. Area is unsuitable for agricultural use because of the existing post office building.
2. Addition to the post office for store and barber shop would not adversely affect surrounding properties, nor create any more governmental expense; nor substantially alter the general character of the area.
3. There are no areas set aside for commercial purposes in the existing Urban District of this area thus causing a distinct hardship to applicant to relocate store in the area. The County General Plan stipulates that 1.8 acres be set aside in the Pepeekeo area for commercial purposes.

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

1. Construction be substantially as shown on plans submitted to the Commission.
2. Construction be in conformance to building, health, water regulations.
3. N further access to the highway shall be granted.
4. Off-street parking be provided on the basis of one stall per 200 square feet of gross floor area of the building paved with all-weather, dust-free surface.
5. Construction of addition shall start within one year from the date of the approval by the Land Use Commission or special permit be deemed null and void.

On a motion of Mr. Griffin and second of Mr. Freitas, the Commission voted unanimously to approve the special permit with the conditions stipulated.

PROGRESS REPORT
PLANNING CONFERENCE

One of the Co-Chairman, Mr. Griffin, reported on the progress of the Annual Planning Conference.

The requests have been made of speakers tentatively scheduled on the program and room reservations have been confirmed by the Naniloa Hotel. The Co-Chairman are planning to work out final plans as far as registration. Basically the program will provide two luncheons and two dinners. The thinking at the present time is to make the conference very much like the recent Beautification Conference held in Hilo where everybody is involved in all the meetings, except maybe to do away with workshops, and try to operate as a body of the whole throughout the conference.

(Mr. Yamada came to the meeting at this point--direct flight from Honolulu to Kona.)

COMMITTEE MAKEUP
OF THE COMMISSION

Discussion followed on the deferred question as to whether to create two committees comprising of a Zoning Committee and a General Plan Committee

or have a Committee of the Whole because of the allied nature or to do away with committees.

The Director recommended that there be two committees created on the basis that requests for variances on the requirements of each use district will be numerous, rezoning of land, amendment to zoning, amendment of general plan, and so forth will constitute a multitude of requests. The Committee of the Whole type of approach will not enable the committee to delve into problems and go into details and meet with each applicant; whereas a smaller group can do this.

Mr. Griffin expressed the desirability of having two committees - one for Zoning Committee and the other one for General Plan Committee.

Mr. Freitas mentioned the preference for the Committee of the Whole idea.

Mr. Griffin moved that we set up our rules and procedure of the separate Zoning Committee and the General Plan Committee at the Commission meeting as a whole. The motion was seconded by Mr. Hokama and carried.

LAND USE COMMISSION
SPECIAL PERMIT
TORAO MATSUYAMA

A public hearing was held on the request of Torao Matsuyama for a special permit to allow the conversion of an existing auto repair shop to a washerette located on the makai side of Mamalahoa

Highway, approximately 250 feet northwest (Kailua side) of the Manago Hotel, on a lot 1.8 acres in area at Kealahakua, South Kona.

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.

RECESS

The meeting was recessed until after the evening's public hearing on the zoning maps at 4:07 p.m.

The meeting was reconvened at 10:20 p.m.

The evening's meeting was called to order by Chairman Robert M. Yamada in the Konawaena High School Cafetorium.

INTERIM ZONING VARTANCE
DEPT. OF LAND & NATURAL RES.
KAILUA WHARF DEVELOPMENT

The deferred matter was resumed for further action on the request of the Department of Land and Natural Resources to allow commercial uses on the existing Kailua Wharf.

Mr. Griffin moved to defer this matter until the next meeting so that the members can become more oriented on the zoning maps and the proposed zoning become clearer in their minds. Mr. Freitas seconded the motion.

Mr. Griffin stated that as far as he can see, nothing further has come up on this. He felt that zoning should be designated for the area as he thought everybody was pretty much resolved as to what they think should be done.

The Director mentioned that it was the staff's assumption that when this question of the wharf development came up, the members would look into it deeper on the zoning of this area. The case before the Commission is for a variance. Once it is denied, the Commission will still need to consider on the zoning matter. He stated that the zoning question is still not clear. It has all possibilities of a resort use with King Kamehameha Hotel nearby and the Taniguchi area. If this is so, perhaps a limited number of the wharf area closer to Taniguchi may be feasible taking into consideration the high seas affecting the outer edge of the wharf area, design of structure, and how large in bulk of the proposed use.

Mr. Kimura questioned if there is some possibility of development, how is the zoning question going to be resolved without development plans?

The Director stated that if the thinking is to zone the particular area, it is in essence opening up the case. He suggested that the development area could be cut down and the remaining area left in Open Space. The people has the right to object to the proposed use. The State has the right in representing the people's land. He stated any type of development is premature if the State is requesting from the Planning Commission a designation of this land in anticipation of Honokahau being made available to small boat owners in the very near future. If the Commission grants the variance, the State will auction the land. If the Commission denies the variance at this time, there is a question - would the basis for denial be on the contemplated use being contrary or that at the present time there is no zoning designation. The problem is not easy--this is Commission's prerogative.

Mr. Kimura agreed that this is Commissioners' question to answer. He stated that the Director is requesting for deferment so the members can review this matter. He believed from the discussion that may be the Department of Land and Natural Resources may come up with a plan. He questioned whether part of the development plan would designate areas for loading and unloading of tourist passengers and fishing boats, the ramp area for the small boat owners to drop their boats, and so forth.

Mr. Jim Ferry, Chairman of the Board of Land and Natural Resources stated that he has no assurance or guarantee that applicant who gave the plans to the Department is going to be the successful bidder at auction, consequently, somebody is going to submit a bid more ingenious and they are in no position to tell him this is what they want.

Mr. Kimura queried whether there is any possibility that the State can set up and designate restricted areas and have the applicant submit bids based on this restricted areas.

Mr. Ferry replied that they know what is allowed. Only half acre is going to be developed.

Mr. Kimura asked whether they are going to be developing half of the wharf area where these developments would take place.

Mr. Tajima of the Department of Land and Natural Resources explained that the sketch plan submitted to the Commission shows where the area would be reserved. There is a 10-foot perimeter for the charter boats, also an exemption of the turn-around area, and the whole ramp area is completely out of the development.

Mr. Kimura mentioned that according to the sketch plan it seems there is going to be a complete development on the wharf, and he wondered what is going to happen to the ramps.

Mr. Ferry answered by saying that to a degree there is a touch of provincialism to protect themselves. He explained the area is reduced somewhat to 21,000 square feet which is what they thought the buildings might take up that space. In the parking area located closer to the Taniguchi area, they will restrict construction of buildings.

The votes on the motion to defer were recorded as follows:

Ayes: Mr. Freitas	noes: Mr. Bonk
Mr. Griffin	Mr. Hokama
Mr. Yamada	Mr. Kimura
	Mr. Onodera

Mr. Kimura then moved to deny the request for the variance in view of the public hearing and the facts presented at this time to the Commission members. The motion was seconded by Mr. Bonk.

The votes on the motion were recorded as follows:

Ayes: Mr. Bonk	Noes: Mr. Freitas
Mr. Griffin	Mr. Yamada
Mr. Hokama	
Mr. Kimura	
Mr. Onodera	

The motion did not pass for lack of majority vote.

Mr. Freitas remarked that he would like to ask of the members the hesitancy on the original motion to defer.

Mr. Kimura wondered how business can survive if they cannot have their parking without having to cope with outsiders utilizing the area. He pointed out that there is a very nice public beach, the usage will be denied for lack of parking spaces for the general public which is presently being used on the wharf area. He also wondered how the launching of small crafts would be handled because of the limited space and lack of parking area.

Mr. Freitas remarked that all the more reasoning, the members should defer for further study.

Mr. Kimura's contention was that the parking area is basically reserved for the lessee. There will be no parking area for the public.

Mr. Ferry remarked that there is no public parking allowed there now.

Mr. Kimura stated that he is presuming on the basis that the area will be left in Open Space.

Mr. Griffin wanted to know how much area the public actually needed on the wharf. If something could be worked out on the adequate space for the public, he would go for the variance request. He stated the idea appeals to him on the use, but also he is worried about the adequacy of public facilities.

Mr. Ferry mentioned that there seemed to be some concern for this area being restricted for parking for the lessee. He stated if he were the lessee, he wouldn't know who is parking. He clarified by saying that he was talking as an entrepreneur.

The Director recommended denial of the variance application and to take the matter under advisement for future use of this wharf under zoning.

Mr. Kimura moved to deny the variance application. The motion was seconded by Mr. Bonk.

The votes were recorded as follows:

Ayes: Mr. Bonk
Mr. Griffin
Mr. Hokama
Mr. Kimura
Mr. Onodera
Mr. Yamada

Noes: Mr. Freitas

The motion was passed.

ADJOURNMENT

The meeting was adjourned at 10:57 p.m.

Respectfully submitted,

/s/ LEI A. TSUJI

(Mrs.) Lei A. Tsuji, Secretary

A T T E S T:

Walter W. Kimura, Vice Chairman
County Planning Commission

Robert M. Yamada, Chairman
County Planning Commission

PLATE

60

PLAT

10

NOTE: All lots owned by Keaoketua Ranch, Ltd.

unless otherwise noted:

TOTAL AREA OF PARCEL 11

SUBJECT TO CHANGE

8
NONE

SECTION

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8-2-01

3 RD

DIV

Pars. dropped: 2.

DEPARTMENT OF THE TAX COMMISSIONER
TAXATION MAPS BUREAU

TAX MAP

THIRD		DIVISION	
ZONE		SEC.	PLAT

8201

CONTAING PARCELS
SCALE: 1 IN. 300 FT

1000 7 1/2