

Action

Dec 5 - HNL

December 8, 1969

Mrs. Kuulei Wong
910 Factory Street
Apartment 1
Honolulu, Hawaii 96819

Dear Mrs. Wong:

Pursuant to your request during the Land Use Commission meeting on December 5, 1969, please be advised that we have withdrawn your special permit (SP69-71) requesting construction of one residence and two rental units at Hanapepe, Kauai, Tax Map Key 1-9-12:16.

Should you have any further questions, please feel free to contact this office.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Kauai Planning Comm.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP69-71 - KUULEI WONG

DATE December 5, 1969

PLACE Conference Room 326
State Capitol

TIME 1:00 p.m.

WUNG, LESLIE				
NISHIMURA, SHIRO				
INABA, GORO				
YAMAMURA, TANJI				
KIDO, SUNAO				
MARK, SHELLEY				
NAPIER, ALEXANDER				
TANGEN, EDDIE				
CHOI, WILBERT				

COMMENTS:

Withdrawn per petitioners request

STATE OF HAWAII
LAND USE COMMISSION

Conference Room 326, State Capitol
Honolulu, Hawaii

December 5, 1969
1 p.m.

STAFF REPORT

SP69-71 - KUULEI WONG

A special permit application by Mrs. Kuulei Wong to allow the construction of one residence and two rental units on a lot containing 0.951 acres (or approximately 41,400 square feet) has been transmitted by the Kauai County Planning Commission. The land is part of TMK 1-9-12: parcel 16, which totals 1.491 acres. The property is situated within the State's Rural District at Hanapepe, Kauai.

The petitioner states that the rapid growth of the community within a radius of 10 miles, such as the Mana Naval Station, Port Allen complex and the Kokee Tracking Station, has created a definite need for housing. The proposed development will be rented to families with low to medium incomes.

At its meeting of November 6, 1969, the Kauai County Planning Commission voted to recommend approval of the request subject to the following:

- "1. that the applicant be given one year from the date of approval by the Land Use Commission in which to perform;

*creation of 2
of 13,800 sq
per lot
2,600 sq ft*

12-1-69 sub copy & report & agenda to petitioner

- "2. that the lots be consolidated to meet the intent of the Rural District; and
- "3. that the applicant fill the particular area as recommended by the Department of Public Works (map attached)."

The property under consideration fronts Awawa Road approximately 700 feet mauka of its intersection with the old Hanapepe Road. The rear boundary abuts the Hanapepe River Flood Control levee which rises about 12-15 feet above the ground level. The subject land is presently vacant.

Approximately 70 acres of land are contained in the Hanapepe Rural District. Topographically, it is confined on the west by the steep bluffs fringing the State's Hanapepe Heights subdivision. On the east the district is bounded by the Hanapepe River. All vehicular traffic from the valley funnels out from Awawa Road, a 30 foot right-of-way with a 16 foot wide pavement. Pedestrian traffic may also utilize a suspension foot bridge located about 900 feet mauka of the subject parcel. About 30 feet east of the Awawa-Hanapepe Road intersection is the old bridge spanning the Hanapepe River. This bridge is not sufficiently wide to accommodate two cars abreast.

The overall density of this Rural District is relatively low. However, densities vary considerably on a lot-by-lot basis. Principal agricultural uses intermixed with this low density development are grazing, sugar cane, taro, and floriculture. Other large areas are merely vacant.

Soils of the property and the surrounding area are primarily of the Kawaihapai clay loam variety which is considered an excellent soil for irrigated sugar cane. The land is nearly level, 0-3% slope, almost free of surface stones and holds water well. Production appears to be good where the soil is used for vegetable and fruit crops. When used for grazing, it supports a good stand of algaroba and annual grasses. It is considered excellent for machine cultivation. The median rainfall annually is between 25 to 30 inches. Public utilities are available.

Analysis

On April 12, 1969, during the review of district boundaries by the Land Use Commission, the petitioner submitted a request to change the designation of the subject property from Rural to Urban in order to allow the construction of one residence and five rental units. The request was not approved by the Land Use Commission since it did not substantially conform to the criteria established for an Urban District.

It is the staff's opinion that the use of a special permit procedure to secure permission to circumvent the minimum standards established for Rural Districts by Act 205 is not proper.

Sub-Part E., of the State Land Use District Regulations, relating to Special Permits, provides that:

"Certain 'unusual and reasonable' uses within Agricultural and Rural Districts other than those for which the District is classified may be permitted."

Seven guidelines are established in Section 2.24 for determining an "unusual and reasonable" use. Staff evaluation of the special permit finds that it is contrary to the following five of the seven guidelines established:

"(a) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

"(b) That the desired use would not adversely affect surrounding property.

"(e) That the land upon which the proposed use is sought is unsuited for the uses permitted within the District.

"(f) That the proposed use will not substantially alter or change the essential character of the land and the present use.

"(g) That the proposed use will make the highest and best use of the land involved for the public welfare."

Since the proposed use is residential which is already a permitted use in the district, a special permit for a residential use does not meet the "unusual" requirements of the law. Approval of this request would set an extremely dangerous precedent. Moreover, the law clearly states that no lot shall be less than one-half acre per dwelling unit. There is a question whether the Commission has the legal authority to approve this petition, in view of a memorandum from the Attorney General's office involving a previous special permit application requesting the subdivision of a lot in the Rural District into two lots of less than one-half acre. In that instance, the Deputy Attorney General advised that the applicant "cannot subdivide his property into two lots of less than one-half acre". In addition, he states that if the applicant utilizes the special permit procedure, he must prove that the proposed use within the Rural District is "unusual and reasonable".

Recommendation

Therefore, in view of the discussion above, the staff has no other alternative but to recommend disapproval of this petition.

ADDRESS REPLY TO
"THE ATTORNEY GENERAL OF HAWAII"
AND REFER TO
INITIALS AND NUMBER

RYT:ro

12b



STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
HONOLULU, HAWAII 96813

September 6, 1967

CABLE ADDRESS:
ATTGEN

BERT T. KOBAYASHI
ATTORNEY GENERAL

RECEIVED
SEP 7 1967
State of Hawaii
LAND USE COMMISSION

MEMORANDUM

TO: Mr. Ramon Duran
Executive Officer
Land Use Commission

FROM: Roy Y. Takeyama
Deputy Attorney General

SUBJECT: Request by Mr. Daniel Moniz to Subdivide
His Lot into Two Lots of Less Than 1/2
Acre, Situated in the Rural District
(TMK 1-2-17-10, Kalapana, County of Hawaii).

Based on the facts stated in the letter of August 17, 1967 to the State Land Use Commission from Mr. Kenneth Griffin, manager of the Realty Investment Co., Ltd., Mr. Daniel Moniz cannot subdivide his property into two lots of less than 1/2 acre.

Mr. Moniz, however, is not precluded from filing a boundary change or special permit request if he desires. If he pursues the special permit avenue, he must prove that the proposed use within the Rural District is "unusual and reasonable."

On the question of extension of time on special permits, the State Land Use Commission must act on such extensions.

Roy Y. Takeyama

Roy Y. Takeyama
Deputy Attorney General

12/1/68 - sent copy to Josey Pinho, Robert Ohlson

LAND USE COMMISSION

November 18, 1969

Mrs. Kuulei Wong
910 Factory Street
Apartment 1
Honolulu, Hawaii 96819

Dear Mrs. Wong:

The Land Use Commission next meets at 1 p.m.,
in Conference Room 326, Third Floor, Ewa Wing,
State Capitol, Honolulu, Hawaii, on December 5, 1969.

At that time your application for a special
permit(SP69-71) 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

ANTONE VIDINHA, JR.
MAYOR



3103
BRIAN K. NISHIMOTO
PLANNING DIRECTOR

THOMAS T. YAMASAKI
ADMINISTRATIVE ASSISTANT

COUNTY OF KAUAI
PLANNING DEPARTMENT
P. O. BOX 111
LIHUE, KAUAI, HAWAII 96766

November 7, 1969

State of Hawaii
Land Use Commission
P. O. Box 2359
Honolulu, Hawaii 96804

RECEIVED
NOV 12 1969
State of Hawaii
LAND USE COMMISSION

Subject: Application for Special Permit
Our File No. SP-69-2 - Kuulei Wong

At the regular meeting of the Planning Commission held on November 6, 1969, the Commission approved the subject application for special permit with the following conditions, as recommended by the Planning Director:

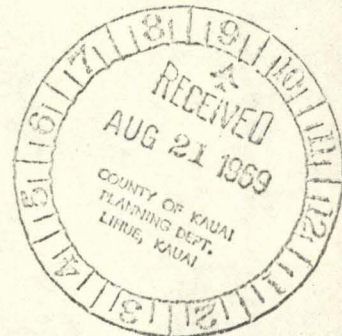
- 1) that the applicant be given one year from the date of approval by the Land Use Commission in which to perform;
- 2) that the lots be consolidated to meet the intent of the Rural District; and
- 3) that the applicant fill the particular area as recommended by the Department of Public Works (map attached).

In accordance with provisions under Section 205-6 of HRS, we herewith transmit for your consideration the foregoing application, transcript of proceedings attached.

A handwritten signature in purple ink, appearing to read "Brian K. Nishimoto".
BRIAN K. NISHIMOTO
Planning Director

attach.
cc: applicant

910 Factory Street
Honolulu, Hawaii
August 14, 1969



Planning and Traffic Commission
County of Kauai
Lihue, Kauai, Hawaii

Re: Application for Special Permit
Tax Map Key 1-9-12:16 (1,491 Acres) K2

Gentlemen:

In view of the rapid growth of the community with a ten (10) mile radius of the subject property, such as the Mana Naval Station, Port Allen Harbor complex and Kokee Missile Tracking Station, it is felt that there is a definite need for housing. This is evidenced by the lack of availability of suitable housing for individuals seeking to reside within the area.

I hereby request a special permit to construct three (3) dwellings on the above subject property. They will be used as follows: (1) one residence, and (2) two rental units. These homes will be in the construction cost range of \$17,000 to \$20,000. They will be made available for rental to families within the low-medium-income range.

Respectfully submitted,

Kuulei Wong

KUULEI WONG

RECEIVED

NOV 17 1969

COUNTY OF KAUAI
PLANNING AND TRAFFIC COMMISSION

Lihue, Kauai, Hawaii

This space for official use
State of Hawaii
LAND USE COMMISSION
Date Application and Fee
received by KP&TC

APPLICATION FOR SPECIAL PERMIT

SP69-71

(I) (We) hereby request approval of a special permit to use certain property located in the County of Kauai, Island of Kauai, Land Use Commission District Boundary map number and/or name K-2 Kuulei Wong, for the following-described purpose:

Description of property: Hanapepe Valley covering Apana 1 of Rayal Patent 4755 Land Commission Award 9189-10657 to Keawe and Apanas One (1) and Two (2) of Rayal Patent 4756 Land Commission Award 16311-10331 to Namoku all situate at Hanapepe District of Kona Island of Kauai State Of Hawaii. Tax Key 1-9-12-16 (1.491 Ac.)
Petitioner's interest in subject property:

Owner

Petitioner's reason(s) for requesting special permit:

Construct three(3) dellings. They Will be used as follows, One(1) residence and Two (2) rental units, on lot containing .951 acres.

Signature(s)

Kuulei Wong

Address:

910 Factory St Apt. 1

Telephone:

858-323 Home 852-451 Bu
Hon. Hawaii 96819

This space for official use

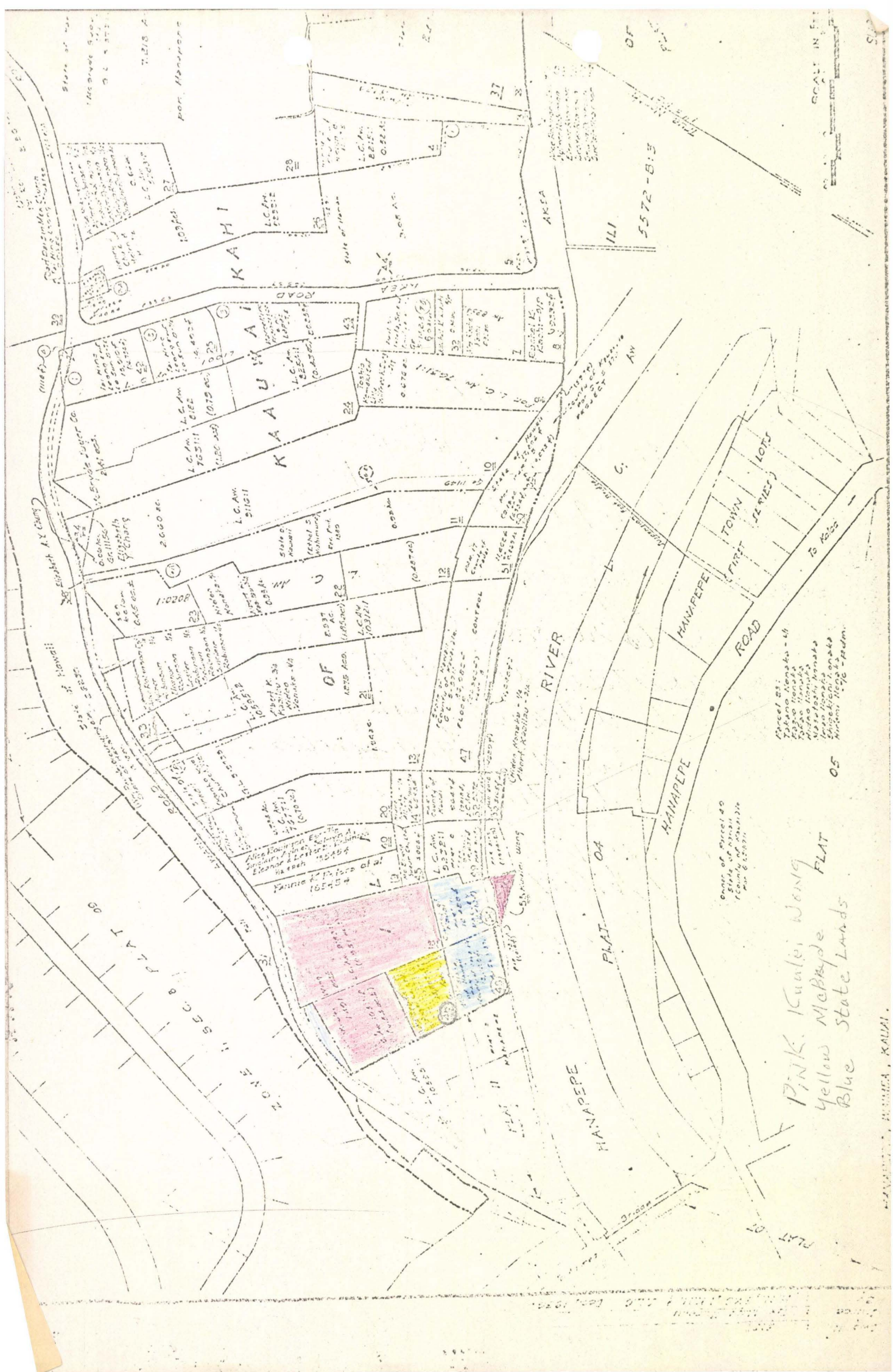
The property is situated in a(n) Rural district, whose regulations adopted by the Land Use Commission prohibit the desired use.

Signature(s)

Tham + Yam

For (agency)





Pink Kuali Wang Flat
Yellow Makaye Flat
Blue State Lands

SCALE IN FEET

HANALEI, KAUAI

THE BLUE PRINT CO
4501 Howe

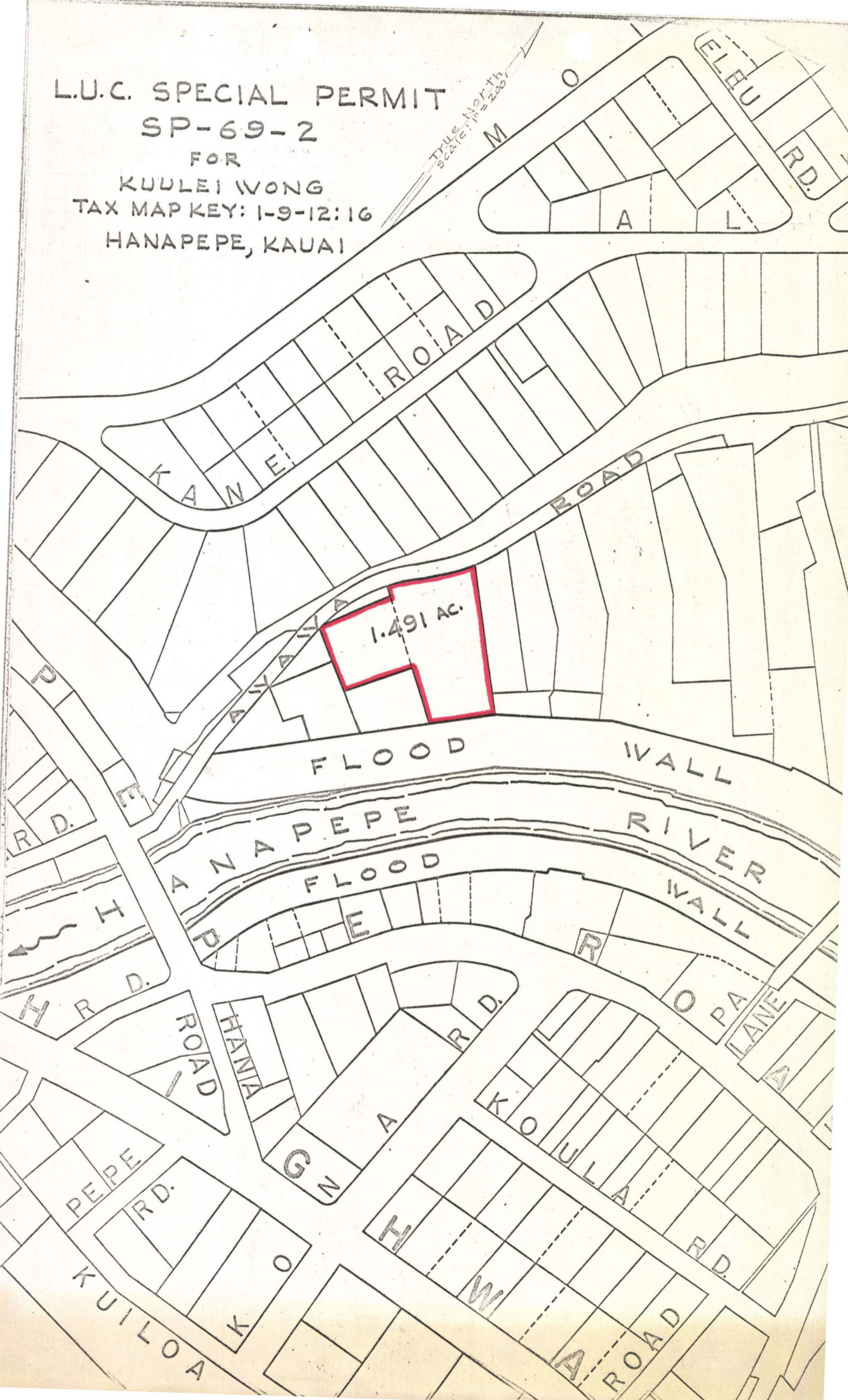
SP-69-2

FOR

KUULEI WONG

TAX MAP KEY: 1-9-12:16

HANAPEPE, KAUAI



KAUAI PLANNING COMMISSION
LIHUE, KAUAI

STAFF REPORT

TO: Planning Commission

RE: Special Permit Application SP-69-2

APPLICANT: Kuulei Wong

Location: Being portion of Parcel 16, ^{L.C. Aw.} ~~Land Court~~ Application 9189:1, along the east boundary of Awawa Road, approximately 700 ft. north from its centerline intersection with Hanapepe Road and identified by Tax Map Key: 1-9-12:16, Hanapepe, Waimea, Kauai.

Lot Size: 1.491 Acs. Total {Two parcels: 1 = .54 Ac. }
1 = .951 Ac. }

Existing Use: Vacant (verified by field check).

Master Plan Designation: The Land Use Commission's district boundary indicates Rural.

Reason for requesting special permit: To construct three dwellings to be used as follows: (1) residence; (2) rental units, on lot containing .951 acre. (.54 ac. area proposed vacant - see map.)

Public Facilities:

Water Supply: Applicant's verbal request for a 1" meter to serve all three units was approved by the Department of Water.

Sanitation: The State Health Department has no objections provided surface drainage is assured by filling low spots. Area is subject to flooding.

Electricity: Power is available.

9/25/69


Albert M. Gokan
Zoning Technician-Inspector

C

ADDENDUM TO STAFF REPORT

TO: Planning Commission

RE: Special Permit Application SP-69-2

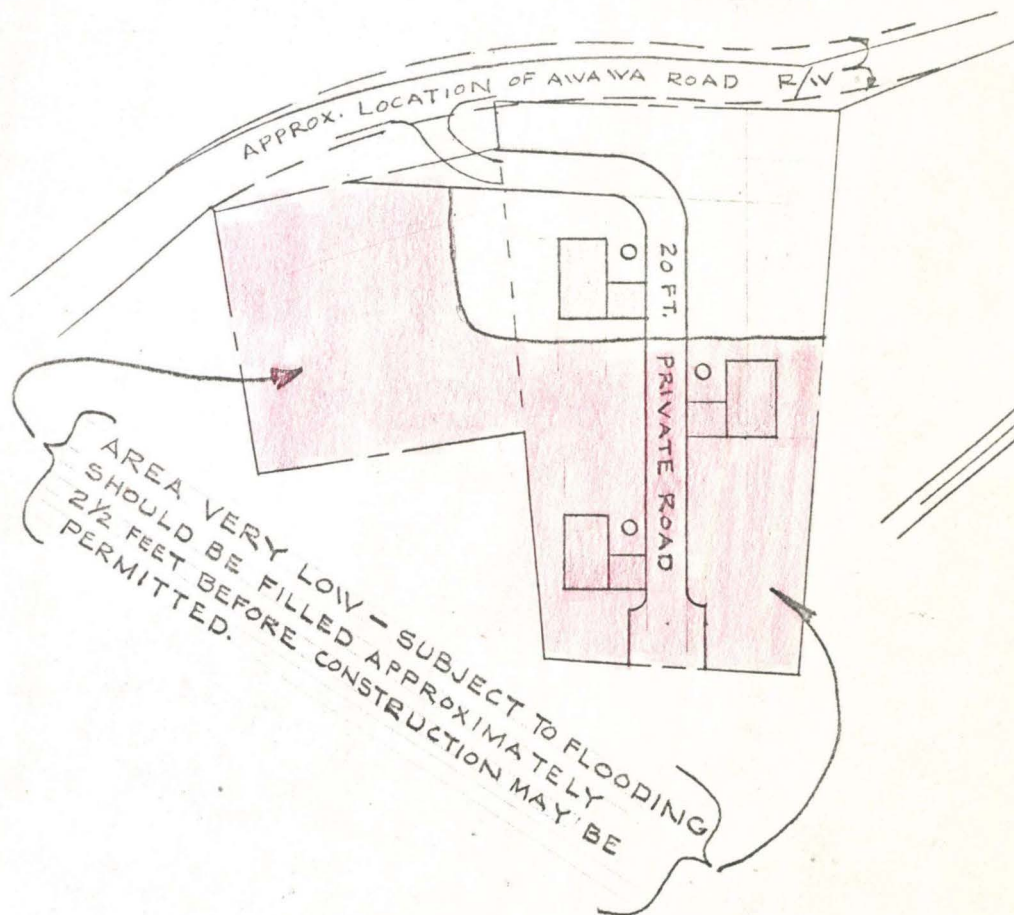
APPLICANT: Kuulei Wong

Public Facilities:

Public Roadway: Property fronts the Awawa (Hanapepe Valley) Road which is 30 feet wide, 16 feet of which is paved.

Drainage: Portion of the property (colored red on the attached map) is subject to flooding. Area must be filled approximately 2½ feet before any construction may be permitted.

Tsunami Inundation: Portion of the property is within the tsunami inundation limits.



KUULEI WONG
HANAPEPE, KAUAI

KAUAI PLANNING COMMISSION
REGULAR MEETING
OCTOBER 2, 1969

The regular meeting of the Planning Commission of the County of Kauai was called to order at 1:30 p.m. by Mr. Leonard Zalopany, Chairman, on Thursday, October 2, 1969, in the Council Room at the County Building, Lihue.

The rules were suspended to permit Mr. Alfred Louis, Jr., to be sworn in as a member of the Planning Commission by County Clerk, Kenneth K. Yamamoto.

Resuming into regular meeting, the following Commissioners answered roll call:

Mr. Leonard Zalopany, Chairman
Mr. Welcome Albao
Mr. Richard Johnston
Mr. Robert Kunimura
Mr. Alfred Louis, Jr.
Mr. Takato Sokei
Mr. Gisao Tateishi

Others present:
Mr. Kei Hirano, County Attorney

HEARINGS:

Interim Zoning Variance, Application V-69-22, Alfred A. Yee & Associates, Inc., et al, Apartment Use of Property, Hanalei, Kauai.

Public hearing on the subject variance application was opened by Chairman Zalopany at 1:33 p.m.

Planning Director Nishimoto read into the record a communication (9/30/69) from Clinton I. Shiraishi, counsel for the applicants, informing the withdrawal of the variance request to construct condominium apartment buildings at Hanalei; also, assuring the Planning Commission that they will wait until the conclusion of the 701 project.

The communication was received for the record and the hearing was closed at 1:35 p.m.

Interim Zoning Variance, Application V-69-24, Blackfield Hawaii Corporation (Holiday Inns Hotel), Hotel Use of Property, Waipouli, Kawaihau, Kauai.

Public hearing on the subject variance application was opened by Chairman Zalopany at 1:35 p.m.

Mr. Albert Gokan, staff member, presented the report and analysis on the proposal to construct a 319-unit hotel within the Coconut Plantation complex at Wailua. (Staff Report on file.)

For the record, Planning Director Nishimoto corrected the Staff Report as follows:

Master Plan Designation: The present General Plan designates a portion of the property for Hotel Use and a portion in the Open & Other Reserves.

The Director received for the record a revised plot plan of the proposed development and in viewing the plan, he noted the following: that the off-street parking is away from the coconut grove; changes to the driveway design; structure was turned toward the sea, parallel to

the shore; changes to the access. He also noted that the existing trees will remain on the property and that a 75 feet setback line was established by the developers.

Mr. Tateishi commented on the conflicting information regarding the availability of water; that at a previous meeting, water was not available for the development but now water is available.

Director Nishimoto stated that the Water Department had requested for deferment on a subdivision application submitted by Blackfield to further study the water situation in the Wailua region; that later, they submitted a report approving the application based on the indications that water will become available.

Mr. Tateishi doubted whether there is any timetable on the water development in the Wailua area. He cited another instance when a request for variance was deferred because of the lack of adequate water. He felt the Commission should have a more definite report on the water situation of the area.

Questions by the Commissioners as follows:

Mr. Johnston: Is that a private road area?

Director: Yes, it's a private road. (For information, the Commissioners were briefly oriented with the Wailua resort area.)

Mr. Kunimura: Has the proposal for this site been changed?

Director: I don't think this proposal is revised on the model. The height of the model is seven stories.

Mr. Johnston: Is there a time schedule on the enlargement of the County's treatment plant?

Director: Not to my knowledge. I would like to defer this question until the public hearing at which time we will ask the Deputy County Engineer.

The hearing was then opened to the public and the following statements, in effect, were made for the variance application:

Clarence Short, President, Blackfield Hawaii Corporation: We also have the Chairman of the Board and Hisashi Tanaka, Vice President, and would attempt to make two points today.

First, I would like to show you that we are more interested in keeping the beauty of Kauai and want to demonstrate what we have done so far on our plans. We don't want to destroy the beauty of Kauai because we will be definitely destroying ourselves.

I don't believe the 40 ft. height limitation, as contained in the Interim Zoning Ordinance, is an effective way to control building in order to maintain the beauty of this island.

I would like to, for just a moment, review the history of the project. We entered into an agreement to develop the Broadbent property about two years ago and did a lot of preliminary planning and came up with this master plan which we submitted to the Planning Commission and the then Board of Supervisors. There aren't any major changes; density is the same. (Mr. Short pointed out the hotel sites as follows.)

- Site No. 1 = Islander Inn scheduled to open the end of January 1970
- Site No. 2 = Island Holidays
- Site No. 3 = Royal Inn of America (variance pending)
- Site No. 4 = Travelodge
- Site No. 5 = Holiday Inns Condominium Apartments (highrise)
- Site No. 6 = No hotel operator to date.

We have a concept of a hotel-oriented International Market Place we do not have plans on this yet, we are working on them now.

I would like to point out a few things that we tried to do and trying to accomplish. To begin with, when we gained approval of this master plan, it was for a density of 40 units/acre with low-rise at 44 units/acre. We realized there wouldn't be enough open spaces we we arbitrarily cut the requirements down to 33 units/acre or a maximum of 30 units/acre.

The second thing that we did was to set up a barrier between the highway and the coconut grove. In order to keep the appearance of the grove, we set back 75 ft. from the remainder of the project and re-located trees taken out.

The third thing we did was to take this original concept of the private roadway here in order to take the traffic off the highway.

We also added a number of things and one is to require each operator to construct a walkway to enable people from one hotel to be free to go to the next hotel, and also for the local people to walk easily to the water. The whole idea is to make it look like one big hotel, but spread out. We also, earlier in the planning, felt that we want the local people to use the facilities and we have dedicated to the County a right-of-way so the local people will be able to use the beach.

Generally speaking, I think that about sums up our point. I noticed that the Garden Island newspaper had a story about the plant nursery which we established. The plants will be used for landscaping.

Next thing I would like to convey is that you hear all this talk about 40 ft. height limitation. I'm all for good planning and one of the ways is a planned unit development--this is what we would like to do with your approval. This is the master concept; mixing up but generally trying to have adequate parking and open space.

(Mr. Short presented pictures for comparisons on highrises and low-rise hotel and apartment structures in Honolulu. He then gave some background information on the original Holiday Inns plans and what changes were considered to develop this new plan.)

I would like to point out that we not only want to ask that we be given approval of this variance but we signed an original letter with Holiday Inns in December, two years ago. We spent a lot of money on the sewer, roads, water and landscaping; we can't go ahead and finish this project unless Holiday Inns is permitted to construct--our income won't support it.

I would like to answer any questions.

Mr. Hisashi Tanaka, Vice President: Mr. Short mentioned that we are trying to hold the density of 30 units/acre. You should understand that it would tip over from time to time, depending on the finished floor and this we have allowed.

Mr. Albao: What per cent would the total open space area be?

Mr. Short: About 23%.

Mr. Sokei: Did you consider the acceleration and deceleration scheme?

Mr. Tanaka: Yes, we discussed this with the State Highways Division.

Mr. Johnston: This right-of-way on both ends for the public, how wide are they?

Mr. Short: Six feet; there's plenty of room for walking.

Mr. Kunimura: Talking about right-of-way, may I remind you that back on April 17, this Commission requested that another right-of-way be given. You have agreed to dedicate two right-of-ways on the extreme ends of the development which is over 3,000 ft. on both sides; doesn't this seem inadequate? The Broadbents felt that if the County desired more right-of-ways, the County should acquire them by eminent domain; also, one of the main concerns of additional right-of-ways is that the developer would lose control of maintaining the right-of-ways. Do you at this time have a change of heart?

Mr. Short: As I recall, when that problem came up, we were so far along that we couldn't change the scheme. The problem was we didn't know how to control people coming into the hotel parking lot; if the public is going to be going back and forth, this seems to be a little late in the game to revise the situation; besides, the land owners are involved, too.

Mr. Kunimura: You mentioned the fact that you are going to make shoreline walkways. Don't you think that with over 3,000 ft. of beach frontage and right-of-ways on the extreme ends of the property is too long a stretch for people to go in and out; that somewhere in the middle of the development a right-of-way should be dedicated to the County?

Mr. Short: From a practical standpoint, hotels are open to the public anyway.

Mr. Kunimura: We have had some bad experiences with some local hotels. When they put security guards 24 hours, you get a little jealous of their rights, too; you want a right-of-way.

Mr. Short: Although some people use the beach area, there isn't really many people who use it because the swimming is not good. I see only two fishermen when I'm out that way.

Mr. Tanaka: I would like to know how many right-of-ways does the County have. Are we being liberal; are we being "manini?" I'm just curious. Do we have right-of-ways every 500 ft. all the way down? Are we supposed to have provided, perhaps, 4-3-5? I don't know.

Director Nishimoto: I would like to answer the question. There is a public right-of-way on Papaloa Road to the sea. I think we should bear in mind that in the past, things of that nature were not seriously considered by the County. The County now wants to make sure that there is a public right-of-way to the beach.

Mr. Kunimura: I don't think this Commission is going to be governed by what happened in the past. The beach area is shrinking and shrinking and you come here and talk about beauty; beauty for the development, but we want to see that people who live here enjoy it.

Mr. Tanaka: I thought we were more than generous in providing these two right-of-ways. When we first came in, I think the County was rather happy to have these right-of-ways; it is only recently that this matter has come up.

Mr. Short: I think this should have been brought up in the early stages of the planning.

Mr. Johnston: Do you have any control on landscaping for each parcel?

Mr. Short: We have control on the Kauai Beach Boy project; the others are required to have landscaping approval.

Mr. Tanaka: To answer part of the question, the Islander Inn and Beach Boy have the same landscaping architect.

Mr. Johnston: How high are the coconut trees in that area?

Mr. Short: 100 to 125 feet.

Mr. Tanaka: Height variation was made by Seichi Yokoyama a year ago. Norfolk pine trees, 90-120 ft., Coconut, 90-100 ft.

Mr. Tateishi: Mr. Short, your condominium is a highrise--62 ft. Why is it necessary that you are so close to the ocean; is it possible to bring the structure back?

Mr. Short: The size is the same but this is an entirely new concept.

Mr. Tateishi: How far is it from the ocean?

Mr. Short: Seventy-five feet from the highwater. This is a concrete structure. There hasn't been any high waves coming in and with any force.

Mr. Tateishi: If I read correctly, the grade is about 8-9 ft. above sea level.

Mr. Sokei: What type of contract do you have as far as land area is concerned--room type of contract with the developer?

Mr. Short: We have a separate lease on each parcel. This is just a straight land lease in this case.

Mr. Kunimura: You have two going now; do you envision any other highrise in the remaining three parcels?

Mr. Short: Six going now. No.

Mr. Sokei: Do you have any plans for Parcel 7?

Mr. Short: No, we have our hands full with this as of now.

Director: Whose responsibility is it for labor and housing?

Mr. Short: We are trying to do everything that we can. We are trying to look for land in that area to build low-cost housing.

Director: Do the Holiday Inns people know the situation here?

Mr. Short: As far as finding labor, they will do it. They have a training school in Memphis, Tennessee; or shift people from Honolulu. As far as housing, I don't know but we are working on it.

Director: Regarding landscaping of the sites, is there an agreement between each operator and you people as to when they must provide landscaping?

Mr. Short: It's all in the contract. Landscaping must be finished between the time they open.

Director: I would like to request for a landscaping plan to give us some idea as to what is proposed there.

Mr. Short: We are going to use all we can from here and also the nursery.

Mr. Kunimura: When you are through with that development, how many rooms will there be?

Mr. Short: Approximately 1800.

Mr. Kunimura: You will need 1000 employees to man that. Do you feel that it is the developers' responsibility to house these workers?

Mr. Short: I don't think they will be all new people coming in. I presume there will be some available here. We know it's a problem which exists and we are trying to do our best to meet it.

Mr. Tanaka: As far as housing, I suppose if we were in the boon-docks, I think it is mandatory; but within the highly urbanized area, if someone has possible sites, I think he should come in with apartments for the housing needs.

Mr. Tateishi: Just for information, you said the structure for the seven stories will be of concrete; are you going to have piles in that area?

Mr. Short: I really don't know what type of structure it will be.

Mr. John Arzadon, Deputy County Engineer: Will the number of rooms, 1800, remain the same or will it go up to 3000? I am just asking this because of the sewer situation.

Mr. Short: No, 1800 is the maximum.

Director: There was a question about a timetable on the treatment plant expansion which was deferred.

Mr. Arzadon: The bids for the sewer treatment plant were opened on Tuesday. We are in the process of requesting for funds for the construction of the plant. Upon arrival of the funds, construction should start in 60 days; contract time limitation for the expansion will run around 300 days. We will probably coincide with your (Short) construction. I suppose you understand that if this variance is granted, you won't be able to tie in until this new construction.

What is your timetable for a sewage line in that area?

Mr. Short: That depends somewhat on this Commission. We now can take care of two sections and will have to extend it.

Mr. Tateishi: Mr. Arzadon, is the expansion of the treatment plant made particularly for this development or for the whole area, including Wailua Houselots?

Mr. Arzadon: Right now the plant is being expanded to double the size. It was originally designed for a quarter of a million gallons a day, primarily assigned to Lydgate Park and Coco Palms. The expansion, theoretically, would have taken care of developments within this area--Coco Palms, Kimi and their (Blackfield) development. The problem here is that if they don't have the variance, they can't start. If that is the case, we will assign it to someone else; that's the reason I wanted their time schedule.

Chairman Zalopany: Mr. Short, I would like to make one comment and I know we have it on file. On this development at Poipu, you said that you will definitely landscape that area with coconut palms, etc., along the side of the building and in the front. To this date, nothing has been done.

Mr. Short: Right now I don't remember what our plans were.

Chairman Zalopany: To be fair with you, we are definitely trying to strive to promote development but at the same time we would like to have good Hawaiian landscaping for any development. We believe everything should be landscaped nicely.

Mr. Short: On this project (Holiday Inns) if you would like to have us submit the landscaping plan for your approval, we would be glad to do that.

Mr. Johnston: Is it true that your company has been acquired by somebody else?

Mr. Short: No, it hasn't been acquired yet; we do have a letter with this corporation which is strictly an exchange of stocks with a Los Angeles firm. It won't have any affects on management of this development.

At this time the Commission received and read into the record, a resolution supporting the request for variance from the Kauai Business & Professionalmen's Association.

Mr. Nicholas Beck: If a variance of this nature is granted for a 7-6 stories building, what affect will this have on the Planning Commission in granting other variances of a similar height limitation in other areas of the island?

Chairman Zalopany: It is the ruling of this Commission that if we grant this seven stories, it does not mean that it is open to everyone. Each application is treated separately and this body will have to decide.

Letters of protest were received from the following:

1. Jerome Wallace (9/27/69)
2. Richard Kimi (9/29/69)
3. (Miss) Jahne K. Huppy (9/29/69)

Director Nishimoto presented his comments on the application and recommended disapproval of the seven-story proposal based on our present height standard of 40 ft. which has been respected by other developers; that the 40 ft. height limitation is being reviewed. It was further recommended that the housing and labor situation be investigated. (Comments and recommendation on file.)

Mr. Short having been asked to comment on the recommendation made the following statement: "I feel that I answered the objections because of the 40 ft. height limit. I can see Mr. Nishimoto's point to wait until the comprehensive zoning ordinance is passed, however, in view of the fact that we have had this master plan, which is common knowledge to the Planning Commission and other officials, it would be undue hardship on us to defer this until the CZO is adopted; it may be a year or longer."

Mr. Tateishi: If this variance is denied, do you wish to make another proposal on a 40 ft. height limit, or wait?

Mr. Short: Right now I would rather wait until the Commission's decision. We are very much opposed ourselves because we feel it is in keeping with what we are trying to do. I will wait until your decision.

The hearing was closed at 2:55 p.m. with decision on the application to be made at the regular meeting which followed.

Interim Zoning Variance, Application V-69-25, State of Hawaii, Department of Land and Natural Resources, Industrial Use of Property, Niumalu, Lihue, Kauai.

Public hearing on the subject variance application was opened by Chairman Zalopany at 2:55 p.m.

Mr. Albert Gokan, staff member, presented the report and analysis on the request for Industrial Use of the coral-filled area at Nawiliwili Harbor. He noted that our records show the area being vacant but a field inspection disclosed occupancy by Isle Gas Company and other tenants. (Staff Report on file.)

Questions by the Commissioners as follows:

Mr. Tateishi: Regarding the water line...is it correct that when the Niumalu motel came in, the applicant said he would underwrite \$35,000 for the extension of the present system on the Niumalu Road?

Mr. Gokan: You may be correct.

Mr. Tateishi: Then this would be on the same pipeline?

Mr. Gokan: Yes.

Mr. Tateishi: I thought the elevated tank was supposed to supply the ships?

Mr. Gokan: Ordinarily, this can be supplied by the tank or the line.

Mr. Sokei: What is the status of the hotel participation on the water line?

Director Nishimoto: I am not certain. We will have to check with the Water Department.

Mr. Sokei: Mr. Gokan, did the Governor approve this study mentioned in your report?

Mr. Gokan: Mr. Raymond Hee can answer that.

The rules were suspended to permit Mr. Hee to answer the question.

Mr. Raymond Hee, representative, Dept. of Land and Natural Resources: In so far as the appropriation, \$10,000, the Governor hasn't released it yet; but we will wait until January for the completion of the General Plan.

Director: That was to master plan a subdivision?

Mr. Hee: Yes.

Mr. Tateishi: Do you have a general plan of the whole area as to how you intend to develop the area?

Mr. Hee: Not at this time. Right now we do have people in there... Honolulu Gas Company, four offices under permit...and we were not aware of the procedure we had to go through. Several of the tenants were placed there because of the construction coming in; i.e., scrap dealer.

The problem came up when one of the tenants came in for a building permit.

Mr. Tateishi: If you have a general plan, then we can envision how this area would be developed. I notice that on the sketch you have a small boat harbor beside the stream and I don't know whether or not it should be considered. We don't know how this area is going to be used...light or heavy industrial?

Mr. Hee: We don't know at this point. At first we thought it was going to be of industrial use but we were instructed by the Governor's office to look in our plans to consider boating facilities.

Mr. Albao: Will there be any more resort developments in the Kanoa Estate lands?

Director: A study was made by Belt, Collins for the Kanoa Estate lands showing a resort hotel development here (pointing on map) and some motel apartments relating to the State's small boat harbor.

I might add that there was a study conducted by the State in 1962 on the potential of the Nawiliwili and Port Allen harbors. As I recall the study, main emphasis was a commercial harbor with waterfront oriented industrial uses.

Mr. Sokei: Mr. Hee, can you ask the Transportation Department if we could have a master plan of the whole area and what is their basic concept for the harbor? This is valuable land and it cannot be duplicated anywhere on Kauai. Here you have a subdivision which can be located somewhere else.

Mr. Hee: This request presently is primarily to make right something that was done wrong within that area. They (tenants) are there only on a permit of a temporary status. They have been notified that their tenure is on a month to month basis until such time that plans are made for the area. This request is not of a permanent nature but to take care of the people who are in there now.

Public hearing resumed and Director Nishimoto presented his comments on the request for Industrial Use at Nawiliwili Harbor and recommended approval, on a temporary basis, of the existing uses permitted by the State but to withhold approval of the entire area for further study. (Comments and recommendation on file.)

The hearing was then opened to the public.

No one spoke for or against the variance.

There were no letters of protest as of this date.

The hearing was closed at 3:15 p.m. with decision on the application to be made at the regular meeting which followed.

✓ Special Permit, Land Use - County of Kauai, Application SP-69-2, Kuulei Wong, Use of Property for Residence and Rental Purposes, Hanapepe, Waimea, Kauai.

Public hearing on the request for special permit was opened by Chairman Zalopany at 3:15 p.m.

Mr. Albert Gokan, staff member, presented the report and analysis on the proposal to construct one residence and two rental units on .951 acres of land in the Rural District in Hanapepe. (Staff Report on file.)

Questions by the Commissioners as follows:

Mr. Albao: How far along is the flooding area?

Mr. Gokan: (Pointing on map) This whole area was subject to flooding before the embankment was built. With the embankment, the surface runoff floods the area.

Chairman Zalopany: How serious is the flooding?

Mr. Gokan: I cannot say at this time.

Mr. Johnston: Were there quite a few people in the surrounding area who were affected by flooding?

Mr. Gokan: In this section there were some wiped out by the flood.

Mr. Sokei: When you speak of flooding, are you talking about a five-year rain?

Mr. Gokan: That study has not been actually made on Kauai.

Mr. Kunimura: Is that Rural area the valley section of Hanapepe?

Mr. Gokan: Yes, except for this section here; this is the bottom side of Hanapepe Heights Subdivision.

Mr. Sokei: Were there any changes in the Hanapepe area in the 1969 boundary change review?

Mr. Gokan: Only in the Hanapepe Heights area.

Mr. Tateishi: How much flooding occurred since the embankment was built and where will the 2½ ft. fill be from...the grade of the lot or the grade of the embankment?

Mr. Gokan: I cannot say. The 2½ ft. fill is from a survey by the Public Works Department. The old house was on the high ground; 2½ ft. will bring it up to this level.

Mr. Kunimura: If that area is designated Rural, how many homes can be built?

Mr. Gokan: One house per half acre. Mrs. Wong's proposal is to place three houses on the .951-acre parcel.

Mr. Kunimura: If we recommend this and the Land Use Commission grants approval, will this be the first "spot" zoning in the area?

Mr. Gokan: This is not zoning but a matter of the size of the lot; that's the reason why Mrs. Wong applied for a special permit.

Director Nishimoto: If this is in the Urban area, she would not need a special permit. Special permits can be permanent depending on the unusual or reasonable use or you can add terms and conditions.

As far as the Land Use law, it does specifically say one house per half acre. The property is deficient by 1/100 of an acre.

Mr. Tateishi: If the lot is consolidated into one parcel and it is still deficient 1/100 of an acre to place three houses, if we grant this, will our decision still have to go to the Land Use Commission?

Director: If you approve this application, it is a recommendation to the Land Use Commission but if you deny, your decision is final.

Mr. Sokei: One question about special permit...is there a time-table on it once it is granted?

Director: Under the recent revision to the Land Use regulations (Aug. 4, 1969), I note a change. (Director cited Sub-Part E, Special Permits. He then requested an interpretation from the County Attorney.)

County Attorney Hirano: You can use the same criteria you have for your variances. Once a permit has been granted, it is a permitted use. This is slightly different from a non-conforming use.

The hearing was then opened to the public.

Mr. Johnston: Mrs. Wong, would you be willing to fill this 2½ ft. area?

Mrs. Kuulei Wong, applicant: I would.

Mr. Kunimura: Only one residence will be in the flooding area?

Mrs. Wong: I understand about the flooding condition so we will be putting our houses on stilts. I've seen the flood conditions which happened; it was because the levee was being constructed that the water backed up. I don't know for sure how it will react since the levee has been constructed. We have put a retaining wall right around the property to keep mud and water out.

Mr. Sokei: What is your timetable on construction?

Mrs. Wong: We don't know yet. We have to have it paved and get a contractor. If this special permit goes through, I am also submitting a petition for a rezoning; we are not too far from the business area.

The land is idle and we would like to come back; we don't have a place; this lot is idle.

Director: If you get this approved, are you going to apply for rezoning from Rural to Urban?

Mrs. Wong: Yes.

Mr. Johnston: If you have a special permit, why would you want to apply for Urban?

Mrs. Wong: To put in more houses.

Mr. Kunimura: What if this Commission denies the Urban use but approves this special permit?

Chairman Zalopany: What he's trying to say is, you can't have both.

Mrs. Wong: Yes, I know I can't get a rezoning until such time but I could submit next year if there is a possibility.

Mr. Kunimura: Personally, I will be very receptive in granting this special permit but not of the change from Rural to Urban.

County Attorney Hirano: What is before the Commission is the special permit request. I think you should be concerned with that.

Director: Since she mentioned it, I think it should be made a part of the record for this hearing; I think it might be pertinent. Every person has a right to petition for a district boundary change and it may be practical to review the matter.

One question, would you have any problems consolidating the lot?

Mrs. Wong: No.

(Director Nishimoto requested an interpretation from the County Attorney regarding certain "unusual and reasonable" uses within the Rural District.)

County Attorney: I think this is relative to your "unusual and unnecessary hardship" contained in the Interim Zoning Ordinance. Basically, these are fairly broad guidelines; this is not like a variance where you want to alter the land completely.

Mr. Johnston: Have you talked to the surrounding people about urbanizing?

Mrs. Wong: Yes; they're all for it.

Director: Assuming that the Land Use Commission approves this special permit, what is the reasonable time to construct?

County Attorney: I think the intent of the regulation is if construction has begun, it is substantial.

There were no letters of protest as of this date.

Planning Director Nishimoto stated that based on the discussion on this matter and also the additional information by the County Attorney, the staff recommends approval of this special permit with the following stipulations:

- 1) that the applicant be given one year from the date of approval by the Land Use Commission in which to perform;
- 2) that the lots be consolidated to meet the intent of the Rural District.

Mr. Johnston moved to accept the Director's recommendation with an additional stipulation as follows:

- 3) that the applicant fill the particular area as recommended by the Department of Public Works.

The motion was seconded by Mr. Tateishi and unanimously carried.

At this time, Director Nishimoto called attention to the rule of the Land Use Commission that this Commission cannot act on a special permit application earlier than fifteen (15) days after the public hearing.

County Attorney Hirano advised the Commission to act on the motion again at its next meeting.

The hearing was closed at 3:56 p.m. with decision on the application to be made at a later meeting of the Planning Commission.

A short recess was declared. Resuming into regular meeting, Mr. Johnston withdrew his motion to approve Special Permit Application SP-69-2 at this time and Mr. Tateishi his second. The motion was carried.

At this point, Chairman Zalopany changed the order of business and the Commission proceeded as follows:

OLD BUSINESS:

Variance Application V-69-21, Victor Vallies (Poipu Breakers):
Planning Director Nishimoto presented his comments on the proposal to construct a condominium apartment project in Koloa and recommended approval of the request with certain conditions. (Director's comments and recommendation on file.)

Mr. Tateishi moved to grant Variance Application V-69-21 with the conditions as recommended by the Planning Director, seconded by Mr. Johnston and unanimously carried by the following roll call vote:

AYES: Albao, Johnston, Kunimura, Louis, Sokei	
Tateishi, Zalopany	- 7
NOES: None	- 0
ABSENT, NOT VOTING: None	- 0

SUBDIVISION:

Subdivision Report No. 11 was approved as submitted on motion of Mr. Sokei, seconded by Mr. Tateishi and carried.

MINUTES:

Minutes of the regular meeting of September 4, 1969, were approved as circulated on motion of Mr. Tateishi, seconded by Mr. Sokei and carried.

COMMUNICATION:

A communication (9/10/69) from Eugene W. Molinaro, Director of Planning, Hale Nani Resorts, Inc., regarding actual bids received on their plans for Hale Nani of Kauai Hotel expansion. Communication was received for the record.

Copy of communication (9/15/69) from Ramon Duran, Executive Officer, State Land Use Commission, to Morris S. Shinsato regarding the denial of petition for district boundary change submitted by Alfred & Elsie Victorino with staff memorandum on same. Communication was received for the record. (4:05 p.m. Mr. Albao was excused from the meeting.)

A communication (9/12/69) from Miss E. Alison Kay expressing her concern over the proposal for a 36-unit condominium on the Victor Vallies property at Poipu, Kauai. Communication was received for the record.

Copy of a communication (9/18/69) from Kenneth K. Yamamoto, County Clerk, to Mayor Vidinha regarding the proposed comprehensive zoning ordinance with copy of Public Works Committee Report No. 46 listing public hearing dates and places on same. Communication was received for the record.

Chairman Zalopany requested that the Planning Commissioners attend these public hearings.

A communication (9/16/69) from Ramon Duran, Executive Officer, State Land Use Commission, regarding the change of representatives on petition for district boundary change submitted by Harriet R. Moody, from Samuel Wakabayashi to Robert M. Enomoto; also, requesting the Planning Commission's recommendation on same for their September 26 public hearing in Lihue, Kauai.

The Director reported that public hearing on the petition was held on September 26 on Kauai. He recalled that when this petition was reviewed by the Planning Commission, it was decided to withhold our recommendation until the State's District Boundary Review was completed; that if urban designation were granted Eagle County Development Corporation, it would seem logical to place this area into the urban district also, however, development of this area must be considered with great care. (4:09 p.m. Mr. Albao joined the meeting.)

Director Nishimoto stated that although the public hearing has been conducted, this does not preclude the Planning Commission from submitting further comments on this matter.

Chairman Zalopany recommended the Director obtain from the Land Use Commission, other pertinent information on the proposal for this land at Hanalei for review by the Planning Commission.

A communication (9/16/69) from Sunao Kido, Chairman & Member, State Board of Land and Natural Resources, requesting the Commission's comments on the Kekaha Residential Development.

Director Nishimoto requested permission to defer discussion on this matter until the next meeting of the Commission. This was agreeable to the Commission.

A communication (9/17/69) from Roy T. Marugame, Building Consultant, Kauai Commercial Co., Ltd., informing of an error on the location of the separate lot proposed to be used for parking purposes by Mr. & Mrs. Minoru Kubota under Variance V-69-18 and submitting a sketch of the correct lot.

Viewing the revised sketch, Director Nishimoto noted that the actual lot will be directly across the proposed market but the first lot was in the direction of Anahola. Now that the lot is smaller, the applicant would not meet the parking requirements so they have revised their floor area also to provide for eight parking spaces. The Director recommended approving the corrected lot for the separate lot parking; that at the time remodelling plans are reviewed, the staff will determine whether or not parking is sufficient.

Mr. Tateishi called attention to the traffic problem at the corner of Lehua Street and Kuhio Highway and recommended that the Director check into this matter carefully. Communication was received for the record.

COMMISSION ACTION ON FOLLOWING VARIANCE APPLICATIONS:

V-69-24, Blackfield Hawaii Corporation (Holiday Inns Hotel):
Mr. Sokei moved to defer action on the subject variance request for further study, seconded by Mr. Johnston.

In the discussion, Mr. Kunimura stated he is not totally against highrises but the timing on this proposal is poor in view of the approaching CZO and he felt the Commission should ignore any requests for highrise developments at this time.

Mr. Tateishi said he could not see why a highrise could not be permitted in this area; that deferment will give the Commissioners the opportunity to see the site and try to understand what would happen to the area with a highrise structure, or low-rise.

Director Nishimoto stated there are merits in going high and staying low; that the height issue will be discussed at the proper time; that denial is based on the seven stories but this does not prevent the applicant from submitting an alternate proposal.

On recommendation by Mr. Sokei that the Commission go out to the proposed site, Mr. Kunimura contended that if we do not want 70 feet, why defer the matter...let us be explicit about it.

The question was then put and the matter was deferred by the following roll call vote:

AYES: Albao, Johnston, Louis, Sokei, Tateishi,	
Zalopany	- 6
NOES: Kunimura	- 1
ABSENT, NOT VOTING: None	- 0

Chairman Zalopany announced that the Commissioners will meet at the proposed Holiday Inns Hotel site in Waipouli at 8:30 a.m. on October 16. He also instructed the staff to request that a representative from Blackfield be present that day.

V-69-25, State of Hawaii, Department of Land and Natural Resources:
Mr. Sokei moved to approve the subject application as recommended by the Planning Director, seconded by Mr. Albao and unanimously carried by the following roll call vote:

AYES: Albao, Johnston, Kunimura, Louis, Sokei	
Tateishi, Zalopany	- 7
NOES: None	- 0
ABSENT, NOT VOTING: None	- 0

OTHER BUSINESS:

Mr. Kunimura requested the roll call vote procedure be change by alternating the Commissioners. This was agreeable to the members.

Relative to the Water Department's CIP, Mr. Sokei requested that this Commission be informed of the programs of the Water Department earlier to see what direction is being taken in terms of capital improvements for the County.

ADJOURNMENT: The meeting adjourned at 4:34 p.m.

Respectfully submitted,

/s/ Brian Nishimoto

BRIAN K. NISHIMOTO
Secretary to the Commission

RECEIVED

SEP 25 1969

State of Hawaii
LAND USE COMMISSION

NOTICE OF PUBLIC HEARING

Special Permit, Land Use - County of Kauai

NOTICE IS HEREBY GIVEN of a public hearing to be held by the County of Kauai Planning Commission in the County Building at Lihue on Thursday, October 2, 1969, at 1:30 p.m. or soon thereafter to consider an application for special permit within the County of Kauai as provided for in Section 205-6, Hawaii Revised Statutes.

Docket Number
and Applicant

SP-69-2

Kuulei Wong

Tax Map Key
1-9-12:16

Permission Requested

(1) Residence
(2) Rental Units

Subject property is situated along the east boundary of Awawa Road, approximately 700 feet north from its intersection with Hanapepe Road, being portion of Parcel 16, L.C. Aw. 9189:1, and identified by Tax Map Key: 1-9-12:por. 1, Hanapepe, Waimea, Kauai, Hawaii.

Map showing the area under consideration for special permit is on file in the office of the Planning Department at Lihue and is open to the public for inspection during office hours.

All protests or comments regarding the above application should be filed in writing to said Commission before the public hearing or presented in person at the time of the public hearing, or up to fifteen (15) days following this public hearing.

KAUAI PLANNING COMMISSION

Leonard H. Zalopany, Chairman

By Brian K. Nishimoto, Planning
Director

(Sept. 24, 1969)

Note: We request the presence of the applicant or representative at the public hearing on October 2nd to answer any questions by the Planning Commission.

Planning Dept.

C