

Stephen K. Yamashiro
Mayor

County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL
P 101 317 811

JUL 02 1999

Ms. Susan E. Greene
American Fence & Security Co., Inc.
P.O. Box 19040
Phoenix, AZ 85005

Dear Ms. Greene:

SMA Use Permit No. 337
Applicant: American Fence Co., Ltd.
Request: Revocation of SMA Use Permit No. 337
Tax Map Key: 2-1-7:9 (formerly 9 and 10)

The Planning Commission at its duly held meeting on ^{June} July 18, 1999, voted to revoke Special Management Area (SMA) Use Permit No. 337, granted to American Fence Company, Ltd., which allowed the construction of a 30,000 square foot warehouse and office addition and related improvements. The property is located on the makai side of Kalaniana'ole Street approximately 150 feet east from its intersection with Kea Street, South Hilo, Hawaii.

The applicant had requested the revocation of SMA Use Permit No. 337 since the 30,000 square foot warehouse was not constructed as proposed and did not have an intention to pursue the project. Therefore, SMA Use Permit No. 337 is hereby revoked.

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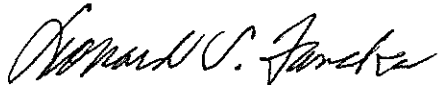
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Ms. Susan E. Greene

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Should you have questions regarding the above, please contact Alice Kawaha of the Planning Department at 961-8288.

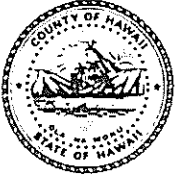
Sincerely,



Leonard S. Tanaka, Chairman
Planning Commission

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cc: Department of Public Works
Department of Water Supply
Real Property Tax Division
Office of Planning, CZM Program
Department of Land and Natural Resources
Kazu Hayashida, Director/DOT-Highways, Honolulu
Mr. Norman Hayashi



Planning Commission

STEPHEN K. YAMASHIRO
Mayor

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

March 3, 1993

Mr. Leroy Ching
American Fence Company, Ltd.
399 Kalaniana'ole Avenue
Hilo, HI 96720

Dear Mr. Ching:

Change of Zone Application (REZ 92-25)
✓Special Management Area (SMA) Use Permit No. 337
Applicant: American Fence Company, Ltd.
Request: Open Warehouse and Office Facility
Tax Map Key: 2-1-07:9 & 10

The Planning Commission at its duly held public hearing on February 25, 1993 reviewed and acted on the above-referenced applications for a Change of Zone for approximately 1.028 acres from a Limited Industrial-20,000 square foot (ML-20) to a General Industrial-1 acre (MG-1a) zoned district; and for a Special Management Area (SMA) Use Permit to allow the construction of a 30,000 square foot warehouse and office addition and related improvements to an existing 24,030 square foot warehouse and office situated on the makai side of Kalaniana'ole Avenue approximately 150 feet east (towards Puna) from its intersection with Keaa Street, Waiakea, South Hilo, Hawaii.

The Commission voted to recommend the approval of the Change of Zone to the County Council, subject to the following conditions:

- A. The applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval;
- B. The applicant shall secure Final Consolidation Approval of Parcels 9 and 10 within one year from the effective date of this ordinance. A 20-foot road-widening setback along the project site's Kalaniana'ole Avenue frontage and a 5-foot road widening setback along its Oceanview Drive frontage shall be indicated on plans submitted for consolidation review;
- C. Final Plan Approval for the proposed development shall be secured from the Planning Department within one year from the date of receipt of Final Consolidation Approval. To assure adequate time for plan approval review and in

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accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of 45 days prior to the date by which plan approval must be secured. Plans shall identify all existing and proposed structures, landscaping, interior driveway circulation, fire protection measures, and paved parking stalls and loading stalls associated with the proposed development;

- D. Construction of the proposed development shall be completed (certificate of occupancy) within two years from the date of issuance of Final Plan Approval;
- E. Access to the subject property shall meet with the approval of the Department of Public Works;
- F. Should any unidentified sites or remains, such as lava tubes, artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or wall be encountered, work in the affected area shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
- G. Comply with all other applicable laws, rules, regulations and requirements;
- H. Should the Council adopt a Unified Impact Fees ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may, at the applicant's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance;
- I. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the Change of Zone. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required;
- J. An initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances:
 - 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of

Mr. Leroy Ching
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the applicant, successors or assigns, and that are not the result of their fault or negligence; 2) granting of the time extension would not be contrary to the General Plan or the Zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the Change of Zone; 4) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year); and 5) if the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate rezoning of the area to its original or more appropriate designation.

This recommendation does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

The Planning Commission also approved Special Management Area (SMA) Use Permit No. 337 based on the following:

The purpose of Chapter 205-A, Hawaii Revised Statutes, and Rule 9, Special Management Area Rules and Regulations of the County of Hawaii is to preserve, protect, and, where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

One of the criteria for approving a development within the Special Management Area (SMA) is that it is consistent with the General Plan and Zoning Code. The proposed development conforms to the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map which designates the affected area for Industrial Development. Such a designation may allow for manufacturing and processing, wholesaling, large storage and transportation facilities, and light industrial uses, provided that the applicable goals, policies and standards of the General Plan are met.

Another criteria in reviewing an SMA Use Permit application is that "The development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not limited to, the potential cumulative impact of individual developments,

each of which taken in itself might not have a substantial adverse effect and elimination of planning options." The proposed industrial development is not anticipated to create substantial adverse ecological effects to the affected area. The project site, as well as the surrounding area, has been extensively developed for industrial uses and is not known to contain any unique ecological systems nor provide habitats for any endangered plant or animal species. No adverse impacts on air or water quality are expected to be generated by the proposed development. Air emissions generated during the construction phase can be mitigated by existing construction regulations.

The project site is located approximately 200 feet from the shoreline. Any potential runoff or discharge which could reach ocean waters can be handled by existing construction regulations during the construction phase and on-site drainage systems during operations. The applicant will be required to hook-up to the County's sewerage system. Therefore, no significant adverse impact to coastal systems are anticipated.

The proposed development is not expected to have any adverse impact to public access to and along the shoreline due to its significant distance from coastal areas.

Viewplanes within the area will not be significantly affected by the proposed development. The proposed facility will have an estimated overall height of 18 feet. This height is much lower than the maximum height within the MG-zoned district of 50 feet. In addition, the project site is located within an area already developed with industrial facilities. The neighboring Orchid Manor Apartments is three stories in height.

Due to the improved nature of the project site, adverse impact to historical or cultural resources are not anticipated. The Department of Land and Natural Resources-Historic Preservation Division, has concluded that the development will have "no effect" on significant historic sites.

Approval of the Special Management Area (SMA) Use Permit request is subject to the following conditions:

1. The applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval;
2. The effective date of this Special Management Area Use Permit shall coincide with the effective date of the accompanying change of zone ordinance.

3. The applicant shall secure Final Consolidation Approval of Parcels 9 and 10 within one year from the effective date of the accompanying change of zone ordinance. A 20-foot road-widening setback along the project site's Kalaniana'ole Avenue frontage and a 5-foot road widening setback along its Oceanview Drive frontage shall be indicated on plans submitted for consolidation review;
4. Final Plan Approval for the proposed development shall be secured from the Planning Department within one year from the date of receipt of Final Consolidation Approval. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of 45 days prior to the date by which plan approval must be secured. Plans shall identify all existing and proposed structures, landscaping, interior driveway circulation, fire protection measures, and paved parking stalls and loading stalls associated with the proposed development;
5. Construction of the proposed development shall be completed (certificate of occupancy) within two years from the date of issuance of Final Plan Approval;
6. Should any unidentified sites or remains, such as lava tubes, artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or wall be encountered, work in the affected area shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
7. Comply with all other applicable laws, rules, regulations and requirements;
8. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the accompanying change of zone ordinance. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required;
9. An initial extension of time for the performance of conditions within this permit may be granted by the Planning Director upon the following circumstances:

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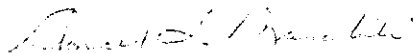
1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; 2) granting of the time extension would not be contrary to the General Plan or the Zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; 4) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate the revocation of the permit.

These approvals do not, however, sanction the specific plans submitted with the applications as they may be subject to change given specific code and regulatory requirements of the affected agencies.

The Planning Commission also approved the revocation of Special Management Area Use Permit No. 236 commencing with the effective date of the Change of Zone ordinance.

Should you have any questions, please feel free to contact Rodney Nakano or Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

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xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Office of State Planning, CZM Program w/background
Department of Land and Natural Resources
Plan Approval Section
Subdivision Section
SMA 236