

PLANNING DEPARTMENT - PLANNING COMMISSION  
COUNTY OF HAWAII  
Hilo, Hawaii

PERMIT NO. 89-5

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on April 14, 1989, an assessment on the application of David McKeller dba International Wines and Spirits for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: To allow the establishment of an ongoing liquor wholesaling business in an existing warehouse structure and to expand the operation into a previously constructed attached storage room in South Kohala, Hawaii, TMK: 6-1-06:12.

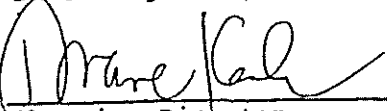
As indicated on the attached report, the Director finds that the proposed development is:

- 1) not in excess of \$65,000; and
- 2) will not significantly affect the SMA.

Therefore, with concurrence of the Chief Engineer, the Director hereby grants to the applicant a minor use permit under the authority vested in him by Section 9.7.C of said Rules, with the following condition(s) that:

(SEE ATTACHED CONDITIONS)

  
Chief Engineer, DPW

  
Planning Director

Attachment

6257A-5/84

SMA Minor Permit No. 89-5

David McKeller dba International Wines and Spirits  
Conditions

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall secure final Plan Approval within one year.
3. The applicant shall comply with all other applicable laws, rules, regulations and requirements.
4. An initial extension of time for the performance of conditions within the permit 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 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 zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 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 may initiate procedures to nullify the permit.

BACKGROUND

David McKeller, dba International Wines and Spirits of Honolulu, is requesting a Special Management Area (SMA) Use Permit to allow the establishment of an ongoing liquor wholesaling business in an existing warehouse structure and to expand the operation into a previously constructed attached storage room. The project site is located in the Kaei Hana II Industrial Subdivision, Kawaihae 1st, South Kohala, Hawaii, Tax Map Key 6-1-06:12.

Specifically, the applicant has a liquor wholesaling business involving the delivery, storage and sales of wines and spirits from a 20 x 30 foot wooden warehouse expanded by a 20 x 16 foot wooden storage room. The structure is air conditioned and serviced by electrical and telephone lines. The estimated evaluation of the improvements is \$5000.

The area adjacent to the structure had been paved, facilitating the storage, delivery and parking needs of warehousing and wholesaling operations. There also exists a paved driveway to the property entrance on Maluokalani Place. Also existing on the property are a 20 x 40 foot duplex dwelling structure used for watchmen's quarters and a larger warehouse (presently vacant but to be used by the primary lessee).

The applicant has a sublease approved by the landowner, Department of Hawaiian Homes (DHHL). The primary lease, General Lease No. 177, was originally written to Arakaki Electric, Inc., was reassigned to Tom Mink in 1987, and was recently sold by agreement of sale to Beery Construction, Inc. Necessary approvals have been given by all parties. The subject property has had issued to it two previous SMA Minor Permits (SMA Minors 86-18 and 87-1) and a Plan Approval (PA 555).

The site is within the State Land Use Urban District and is zoned General Industrial 1-acre (MG-1a) by the County of Hawaii. The proposed use is permitted by the zoning. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for Industrial uses. Immediately adjacent properties are zoned for and contain industrial uses.

Pursuant to Chapter 343, Hawaii Revised Statutes (HRS), relating to Environmental Impact Statements, DHHL had earlier determined that an EIS was not required to improve the lot.

According to the Flood Insurance Rate Map (FIRM) prepared by the U.S. Army Corps of Engineers, the area is within the minimal flood Zone C.

The property is approximately 600 feet from the shoreline and mauka of the Akoni Pule Highway. The land has been previously graded and presently supports only scattered weeds and peripheral landscaping. Since the property has been extensively improved,

there are no rare or endangered plant or animal species present in the area nor any sites of historic significance.

#### RECOMMENDATION

An SMA Minor Use Permit is approved based on the following findings:

1. The total valuation of the proposal will not exceed \$65,000; and
2. The proposal will not result in a significant adverse effect on the SMA. The property has been extensively improved to accommodate existing industrial activities. Therefore, there are no rare or endangered species of plant or animal on the property nor does the property contain any features of historic significance. In addition, the proposed improvements are situated over 600 feet from the shoreline and will not interfere with the natural shoreline processes nor with any recreational resources along the coastal area.

The proposed improvements to the existing industrial facility are consistent with the present Industrial zoned district as well as the Industrial designation of the General Plan.

The proposed project is consistent with the objectives, policies and guidelines of the Special Management Area. These were established to provide guidance for the preservation, protection and development of coastal resources of the State and County. They

identify several areas of management concerns including historic, recreational, scenic resources, coastal ecosystems, economic use and coastal hazards. Because of the prior land alterations to the subject property, the granting of this request will not impact on these resources. The improvements will not be visible from the main public highway; thus, scenic viewplanes will not be affected by the establishment of the structure.

Based on the above, it is determined that the granting of the subject request will not create a significant adverse effect on the environment and, therefore, will not be contrary to the purposes and intent of Chapter 205-A, HRS, relating to the Coastal Zone Management, Rule No. 9 of the Planning Commission relating to the Special Management Area, the Hawaii County General Plan and the Zoning Code of the County of Hawaii.

A Special Management Area Minor Use Permit is approved subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall secure final Plan Approval within one year.
3. The applicant shall comply with all other applicable laws, rules, regulations and requirements.
4. An initial extension of time for the performance of conditions within the permit 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 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 zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 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 may initiate procedures to nullify the permit.