

Harry Kim  
Mayor



Michael Yee  
Director

Daryn Arai  
Deputy Director

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
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**County of Hawai'i**  
**PLANNING DEPARTMENT**

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

October 2, 2018

Ms. Fanlan Cheng Brenman  
78-6824 Mamalahoa Highway  
Holualoa, HI 96725

Dear Ms. Cheng Brenman:

**Special Permit No. SP79-330 (LUC 407)**  
**Applicant: Dr. Minolu R. Cheng**  
**Request: Establishment of a Medical Office**  
**Subject: Revocation of Special Permit**  
**Tax Map Key: 7-8-007:032**

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This letter is in response to your email and letter dated September 27, 2018, requesting that the subject Special Permit be revoked based on the reasons stated within.

Based on the preceding and in accordance with Planning Commission Rule 6-5, LUC 407 is hereby revoked.

If you have any questions, please feel free to contact Jeff Darrow at 961-8158.

Sincerely,

*MY*

MICHAEL YEE  
Planning Director

JWD:klt  
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cc w/copy of letter: Gilbert Bailado, GIS Section ✓  
Daniel E. Orodener, Executive Officer, Land Use Commission ✓

September 27, 2018

Michael Yee  
Planning Director  
County of Hawai'i Planning Department  
101 Pauahi Street, Suite 3  
Hilo, HI 96720  
[planning@hawaiicounty.gov](mailto:planning@hawaiicounty.gov)

Re: **Special Permit No. 407 for TMK: (3) 7-8-007:032**

Dear Director Yee,

In accordance with Planning Commission **Rule 6-11(a)**, I am writing to request the revocation of **Special Permit No. 407 for TMK: (3) 7-8-007:032**.

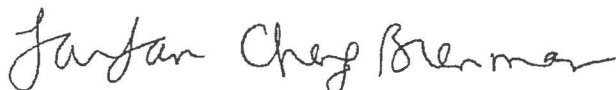
My father **Dr. Minolu Reen Cheng**, the original applicant of the special permit, passed away on November 27, 2015.

Since his death, there has been no medical facility or any commercial activity of any kind operating at this site.

Since 2008, the site has been owned by two trusts: the **Minolu Reen Cheng Trust, dated September 10, 2008** and the **Mei Yeh Cheng Trust, dated September 10, 2008**.

Upon review and approval, I would like to request a hard copy of the revocation letter be sent to the mailing address below and a digital copy to my email address.

Sincerely,



Fanlan Cheng Brenman  
Trustee, Minolu Reen Cheng Trust, dated September 10, 2008  
Trustee, Mei Yeh Cheng Trust, dated September 10, 2008  
78-6824 Mamalahoa Hwy  
Holualoa, HI 96725  
[fanlan.brenman@gmail.com](mailto:fanlan.brenman@gmail.com)

January 4, 1979

Dr. Minolu Cheng, M. D.  
P. O. Box 879  
Kailua-Kona, HI 96740

Dear Dr. Cheng:

Special Permit Application  
Tax Map Key 7-8-07:32

The Planning Commission at its regular meeting of December 14, 1978, considered your application for a special permit to allow the establishment of a medical office on 0.934 acre of land situated within the State Land Use Rural District at Keauhou 1st, North Kona, Hawaii.

The Commission voted to forward a favorable recommendation to the Land Use Commission subject to the following conditions:

1. The use of the medical facility shall be limited to one (1) doctor and his or her staff, and one (1) dwelling unit.
2. That the residential units can only be occupied by the doctor utilizing the medical facility.
3. That a minimum of fifteen (15) parking stalls shall be provided on-site.
4. That the design of any and all structures shall be consistent with the rural-residential character of the area.
5. That no direct access of Kuakini Highway shall be permitted. All access shall be off the Mamalahoa Highway.

JAN 8 - 1979

Dr. Minolu Cheng, M. D.  
January 4, 1978  
Page 2

6. That the plan approval process shall be complied with. The petitioner, or his authorized representative, shall submit plans for plan approval within one (1) year from the effective date of the Special Permit. Construction shall commence within one (1) year from the receipt of final plan approval and shall be completed within two (2) years thereafter.
7. That the Special Permit shall be recorded in the Bureau of Conveyances within 60 days of its effective date.
8. Should the use of the property change from the proposed medical-residential use, the Special Permit shall automatically become null and void.
9. That all other applicable rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

In the meantime, should you have any questions, please feel free to contact the Planning Department at 961-8288.

Sincerely,



WILLIAM F. MIELCKE  
Chairman, Planning Commission

lgv

cc State Land Use Commission  
Land Use Division, DPED  
Kona Service Office

bec Land Use Division, Plng. (Harr)



DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

GEORGE R. ARIYOSHI  
Governor  
CHARLES W. DUKE  
Chairman  
SHINICHI NAKAGAWA  
Vice Chairman

Suite 1795, Pacific Trade Center, 190 S. King Street, Honolulu, Hawaii 96813

June 6, 1979

COMMISSION MEMBERS:

James Carras  
Colette Machado  
Shinsei Miyasato  
Mitsuo Oura  
George Pascua  
Carol Whitesell  
Edward Yanai

GORDAN FURUTANI  
Executive Officer

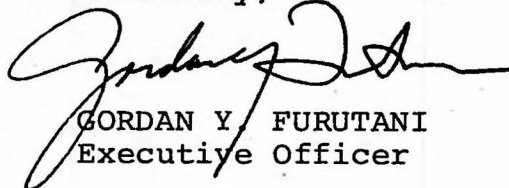
Mr. Sidney Fuke  
Planning Director  
Hawaii Planning Department  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Mr. Fuke:

Subject: SP79-330 - MINOLU R. CHENG

In reference to our letter to you dated  
February 23, 1979, enclosed is a copy of the  
Decision and Order on SP79-330 for your information  
and records.

Sincerely,

  
GORDAN Y. FURUTANI  
Executive Officer

Encl.  
cc: Minolu R. Cheng

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the )  
Petition for Special Permit ) SP79-330  
of MINOLU R. CHENG ) MINOLU R. CHENG  
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 )  
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 )  
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This is to certify that this is a true and correct copy of the  
Decision and Order on file in the office of the State Land Use  
Commission, Honolulu, Hawaii.

6/6/79

Date

by



Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition )      SP79-330  
for Special Permit of            )  
  )  
MINOLU R. CHENG                   )  
  )  
  )  
  )  
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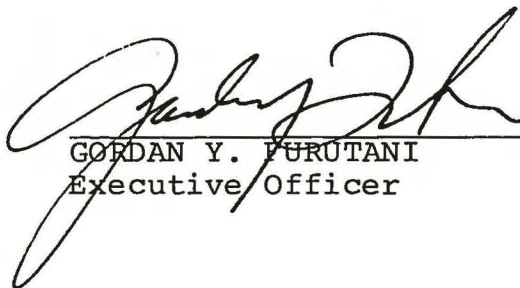
CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission's Decision and Order was served upon the following by certified mail:

SIDNEY FUKU, Planning Director  
Hawaii Planning Department  
25 Aupuni Street  
Hilo, Hawaii 96720

DR. MINOLU R. CHENG  
P. O. Box 879  
Kailua-Kona, Hawaii 96740

DATED: Honolulu, Hawaii, this 6th day of June, 1979.

  
\_\_\_\_\_  
GORDAN Y. FURUTANI  
Executive Officer



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the ) SP79-330  
Petition for Special Permit )  
of MINOLU R. CHENG ) FINDINGS OF FACT,  
 ) CONCLUSIONS OF LAW AND  
 ) DECISION AND ORDER

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The Land Use Commission of the State of Hawaii,  
having duly considered the entire record in the above entitled  
matter, makes the following findings of fact and conclusions  
of law.

FINDINGS OF FACT

1. The Petition for Special Permit was filed by  
MINOLU R. CHENG to allow the establishment of a medical office  
on approximately .934 acre of land situated within the State  
Land Use Rural District at Keauhou 1st, North Kona, Hawaii,  
Tax Map Key 7-8-07: 32.

2. The subject property is located between the  
Kuakini Highway and the old Mamalahoa Highway, approximately  
400 feet south of the Keauhou School.

3. The proposed medical office would be located on  
the ground floor of a proposed two-story structure. The upper  
story would be used by the petitioner as his residence.

4. Each floor of the structure would have an area  
of 2,800 square feet. Plans submitted by the Petitioner indicate  
that the ground floor would have a doctor's office, a reception  
and waiting area, examining rooms, a guest room, restrooms,  
and a 1,200 square foot area designated as additional professional  
office space. The second floor living area would consist of



two bedrooms, a den, a living room, a dining room, a kitchen, a laundry room and two bathrooms.

5. The Petitioner has indicated that 20 parking stalls would be provided for the medical office.

6. The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the property low density urban. The site is presently zoned residential agricultural one-half acre (RA-.5a).

7. The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "C" or "Fair" for soils of the subject property.

8. Surrounding land uses include vacant areas, single family dwellings, a quarry and diversified agricultural activities.

9. Access to the site would be directly off of the old Mamalahoa Highway. This roadway has a right-of-way width of between 30 and 50 feet, and a pavement width of between 18 to 20 feet.

10. The Petitioner has in part stated that the proposed use of the subject site would not adversely affect surrounding properties nor unreasonably burden public agencies to provide services and facilities.

11. The County Department of Public Works commented that construction of the medical office would increase traffic to the Mamalahoa Highway. The department further noted that this roadway is in poor condition.

12. The State Department of Transportation had no objections to the request but stated that access to the Belt Highway would not be permitted.

13. The State Department of Health deferred comments on the proposed use until ground water concerns relative to the

Kahaluu Shaft could be investigated.

14. The State Department of Education, Police Department, U.S.D.A. Soil Conservation Service, Department of Parks and Recreation, State Department of Agriculture and Fire Department had no objections to the granting of the Special Permit.

15. The Hawaii County Planning Department recommended approval of the application for Special Permit.

16. The Hawaii County Planning Commission conducted a public hearing on the application for Special Permit on November 16, 1978. At that time, the Petitioner, Minolu Cheng, testified in support of the request. Under public testimony, Mr. Leon Sterling, Ms. Esther Delaires, Ms. Lily Kong, Ms. Ann Madawi and Mrs. Ronald Kahaliononi spoke in opposition to the request because of traffic concerns. Also under public testimony, Mrs. Carol Sasaki testified in support of the permit request, stating that the proposed facility would have sufficient parking and would not create traffic problems.

#### CONCLUSIONS OF LAW

1. "Unusual and reasonable" uses other than those which are permitted in a Rural District may be permitted by Special Permit pursuant to HRS Chapter 205-6, and State Land Use Commission District Regulation, Part V.

2. The approval of the subject request will be consistent with the Land Use Law and Regulations. The purpose of the Land Use Law and Regulations is to preserve, protect and encourage the development of lands in the State for those uses to which these lands are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The subject property is situated within the State Land Use

Rural District. Areas within this district consists of small farms and/or low density residential uses where "city-like" concentrations of people, structures, streets, and urban level of services are absent, and where small farms are intermixed with the low density residential lots. Keauhou Village, which encompasses the subject property, includes single family dwellings, agricultural activities, a store, service station, and the old Keauhou School site.

3. The proposed medical facility will be small in scale, designed in keeping with the low density character of the area, and will provide a necessary service to the community. Medical health services are an essential part of community life and its ready availability to the residents in the area is especially valuable in treating emergency situations. The proposed medical facility can become an integral part of the rural community. The medical facility also includes a residential unit for the petitioner. This "live-in" doctor situation will assume that activities on the subject property will be conducted in a manner consistent with the residential character of the area. Based on the nature and scale of the proposed development, it is determined that it will be ancillary to community needs, compatible with the rural character of the area, and consistent with the intent of the State Land Use Rural designation for Keauhou Village.

4. The proposed use will not unreasonably burden public agencies in providing public utilities and facilities. All essential utilities are available to the subject property. Access to the subject property would be via the Mamalahoa Highway which connects with Kuakini Highway approximately 1,000 feet north of the subject area. In this vicinity, the Mamalahoa Highway has a variable pavement width of 18 to 20 feet and is

currently in poor condition. Plans for resurfacing this portion of the Mamalahoa Highway is programmed for next year. Given the planned improvement of Mamalahoa Highway, its relatively uncongested traffic condition, and the scale of the proposed use, it is not anticipated that the approval of the subject request will create a traffic problem in the area.

5. The proposed use is not anticipated to adversely affect surrounding properties. Due to the relatively small size and character of the proposed medical facility, it is not anticipated to generate unusual amounts of traffic, noise or adverse visual impact.

6. The use described in the Petition is an unusual and reasonable use pursuant to HRS Chapter 205-6, and State Land Use Commission District Regulations, Part V.

#### DECISION AND ORDER

IT IS HEREBY ORDERED that Special Permit Number 79-330 for the establishment of a medical office on approximately .934 acre of land situated within the State Land Use Rural District at Keauhou 1st, North Kona, Hawaii, Tax Map Key 7-8-07: 32, be approved subject to the following conditions:

1. The use of the medical facility shall be limited to one (1) doctor and his or her staff, and (1) dwelling unit.

2. That the residential unit can only be occupied by the doctor utilizing the medical facility.

3. That a minimum of fifteen (15) parking stalls shall be provided on-site.

4. That the design of any and all structures shall be consistent with the rural-residential character of the area.

5. That no direct access off Kuakini Highway shall be permitted. All access shall be off the Mamalahoa Highway.

6. That the plan approval process shall be complied with. The petitioner, or his authorized representative, shall submit plans for plan approval within one (1) year from the effective date of the Special Permit. Construction shall commence within one (1) year from the receipt of final plan approval and shall be completed within two (2) years thereafter.

7. That the Special Permit shall be recorded in the Bureau of Conveyances within 60 days of its effective date.

8. Should the use of the property change from the proposed medical-residential use, the Special Permit shall automatically become null and void.

9. That all other applicable rules, regulations and requirements shall be complied with.

10. That should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

DATED: Honolulu, Hawaii, May 30, 1979.

LAND USE COMMISSION

By C. W. Duke  
C. W. DUKE  
Chairman and Commissioner

By James R. Carras  
JAMES R. CARRAS  
Commissioner

By Shinsei Miyasato  
SHINSEI MIYASATO  
Commissioner

By *Mitsuo Oura*  
MITSUO OURA  
Commissioner

By *George R. Pascua*  
GEORGE R. PASCUA  
Commissioner

By *Carol B. Whitesell*  
CAROL B. WHITESELL  
Commissioner