

November 16, 1976

Dr. Allan S. Takase  
Managing Partner  
Hilo Medical Partnership  
1292 Waianuenue Avenue  
Hilo, HI 96720

Re: Variance Application  
Tax Map Key 2-3-14:14 and 22

The Planning Commission at its preliminary hearing on November 15, 1976, considered your application for a variance to allow theater-style parking for a proposed chapel and mortuary operation at Piipihonua, South Hilo, Hawaii.

This is to inform you that the Commission voted to deny your request based on the following considerations:

That it is determined that the granting of this particular variance would be inconsistent with the general intent and purpose of the parking requirements and standards. Certain parking standards, which include adequate backup aisle space, are used to enable free traffic movement within the parking area and within the property. Although it is realized that in some types of special use facilities, for lack of space or economic reasons, it may be justifiable to resort to special measures to meet special or unusual requirements, it is determined that such measures are not desirable for uses such as a mortuary which encourage the congregation of a substantial number of vehicles at a given time.

Since convenience plays a significant role in parking utilization, there must be adequate and easily accessible parking spaces. It is determined that implementation of the proposed parking scheme, which includes theater-style parking, would tend to cause serious traffic backup and delays at peak time, especially along Wailuku Drive. It is quite certain

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that traffic congestion would be created as a result of parking deficiencies. This congestion, in turn, would result in a hazardous traffic situation, especially since the property is situated in close proximity to an intersection. Also, congestion, as measured in unacceptable long waits to enter or leave the parking area, will reduce the demand for its use. The use of the parking stalls on the site would drop sharply unless the vehicles can enter and leave the parking area in a reasonable time. Realizing this situation, it is undeniable that those who attend the funeral services would be discouraged from parking on the site; thus, they would look for other areas to park. When this happens, the problems occur. Although there is a public parking lot at the corner of Waiianuenue Avenue and Keawe Street, because of its distance of approximately 1,600 feet from the proposed facility, the users would tend to seek parking in closer proximity. As an example, since the Public Library parking lot is conveniently located adjacent to the subject site, there will be a tendency for people to park their vehicle there. After all, it is recognized that a person's parking habit is to park his/her vehicle as close as possible to the establishment which he or she will be using. In doing so, it would reduce the number of stalls for the library users. The library as well as others uses in the area, including the adjacent apartment building, do not have attendants to protect their client's or tenant's parking interests.

In light of the above, it is determined that the granting of this particular variance may prove to be injurious to improvements or property rights related to properties in the immediate vicinity.

Furthermore, as evidenced by statements presented at a public hearing on a change of zone request for this particular property, the petitioner was well aware of the parking requirements and the position which would be taken should a parking variance be submitted. As such, it is further determined that no special or unusual circumstances exist to a degree which deprives the petitioner of substantial property rights which would otherwise be available or to a degree which obviously interferes with the best use or manner of development of the subject property.

As your request has been denied, you may appeal the decision of the Planning Commission if you feel that the action of the Planning Commission was based on an erroneous finding of a material fact, or that the Commission has acted in an arbitrary or capricious manner, or had manifestly abused its discretion.

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Should you decide to appeal the decision of the Commission in the denial of your variance request, a petition setting forth the following shall be submitted to the Board of Appeals within thirty (30) days from the date of action and accompanied by a filing fee of ten dollars (\$10.00):

1. Name, mailing address and telephone number;
2. Identification of the property and interest therein;
3. The particular provision of the Zoning Ordinance or Subdivision Ordinance or regulation in question;
4. All pertinent facts;
5. The action of the Commission; and
6. Reasons for the appeal, including a statement as to why the appellant believes that the Commission's action was based on an erroneous finding of a material fact, or that the Commission has acted in an arbitrary or capricious manner, or had manifestly abused its discretion.

Inasmuch as no public hearing will be held on this matter, we will be returning your filing fee as soon as the refund is processed.

We will be forwarding you a certified copy of the Order as soon as the document is prepared. Should you have any questions regarding the above, please feel free to contact the Planning Department at 961-8288.

Leon K. Sterling, Jr.  
Chairman, Planning Commission

lat:sb

cc Kenneth Fujiyama Realty  
Corporation Counsel  
Building Department

bcc Emiko Nakamae, Hawaii Public Library

PLANNING COMMISSION OF THE PLANNING DEPARTMENT  
COUNTY OF HAWAII

In the Matter of the Appeal )  
                                  of )  
      HILO MEDICAL PARTNERSHIP )  
                                  ) )  
Tax Map Key 2-3-14:14 & 22 )  
\_\_\_\_\_ )

Variance Application  
No. 480

FINDINGS OF FACT

CONCLUSIONS OF LAW

AND

DECISION AND ORDER

PLANNING COMMISSION OF THE PLANNING DEPARTMENT  
COUNTY OF HAWAII

In the Matter of the Appeal )  
                                  of )  
      HILO MEDICAL PARTNERSHIP )  
Tax Map Key 2-3-14:14 & 22 )  
\_\_\_\_\_ )

Variance Application  
No. 480

FINDINGS OF FACT  
CONCLUSIONS OF LAW  
AND  
DECISION AND ORDER

The above-entitled matter was brought on for a preliminary hearing on the 15th day of November 1976, before the Planning Commission of the Planning Department, County of Hawaii, in the Kealakehe Elementary School Cafetorium, Kealakehe, North Kona, Hawaii, at which hearing Alvin Inoue and Robert Diego appeared in behalf of the petitioner.

The Planning Commission having heard the testimony and having examined the exhibits does hereby declare its Findings of Fact, Conclusions of Law, and Decision and Order.

FINDINGS OF FACT

1. An application for a variance from the parking requirements was received on October 20, 1976.

2. The request was to allow theater-style parking stalls for a proposed chapel and mortuary operation in lieu of the requirements as spelled out in the Zoning Code. The minimum parking stall size is nine (9) feet by eighteen (18) feet with

a minimum of twenty-four (24) feet of back-up aisle space for 90-degree angle parking. No theater-style parking stalls are allowed.

3. The property involved is the former site of the Hilo Medical Group complex located along the south side of Wailuku Drive, approximately fifty (50) feet mauka of the Wailuku Drive-Ululani Street intersection, Piihonua, South Hilo, Tax Map Key 2-3-14:14 and 22.

4. The petitioner, Hilo Medical Partnership, intends to lease the subject property to Memorial Mortuary, Inc., for use as a chapel and mortuary operation.

5. There is presently a 5,000+ square foot structure on the property which the potential lessee intends to utilize. According to plans submitted with the application, this building will consist of a 2,090 square foot chapel area, 272 square feet of office area, and 3,107 square feet of storage area, including an area for embalming.

6. According to the Planning Department's parking calculation based on the standards as spelled out in the Zoning Code, the proposed use would require a minimum of thirty-three (33) parking stalls (chapel - 2,090 square feet at 75 square feet per stall = 28 stalls; office - 272 square feet at 400 square feet per stall = 1 stall; and storage - 3,107 square feet at 1,000 square feet per stall = 4 stalls). According to plans submitted, thirty-four (34) stalls will be provided; thus, meeting the minimum amount of parking stalls required. However, eleven (11) of the proposed stalls will be of theater-style parking (proposed stalls number 13 to 15 and 18 to 25).

7. The County zoning designation for this particular property of 20,515 square feet was recently changed from RM-1 to CO-20 (Ordinance No. 228 - October 27, 1976). At the time this change of zone request was before the County Planning Commission, concerns were raised regarding the parking situation. As such, at the public hearing on this matter, the petitioner was informed that should a parking variance be submitted for any proposed use of the property, the request would be frowned upon. Because of the concerns raised regarding the parking situation, the following was imposed as a condition of approval of the zone change: Adequate off-street parking be provided for the new use on the property. The exact number of parking stalls to be provided shall be determined at the time of Plan Approval and according to the requirements as spelled out in the Zoning Code.

8. The 12-unit Ululani Apartment building is situated on the adjacent property on the makai side, while a single-family dwelling is located on the adjacent mauka property. The Hawaii Public Library is located on the Puna side of the area in question.

9. The closest public off-street parking lot is at the northern corner of Keawe Street and Waianuenue Avenue, a distance of approximately 1,650 feet away.

10. Accesses to the property are via Wailuku Drive, which is a 50-foot roadway with a 30-foot pavement, and a 15-foot lane situated between the subject property and the library lot.

11. Upon review of this variance request, the Police Department commented that they can foresee no adverse effects. However, during the review of the zone change of this property, the Police

Department commented that "We have reviewed the change of zone application by Hilo Medical Partnership for traffic considerations. Since Hilo Medical Clinic moved from this location, traffic congestion is no longer a problem on Wailuku Drive between Kaiulani and Ululani Streets. Any kind of commercial activity will generate traffic in this area. It is recommended that adequate off-street parking be provided to alleviate traffic congestion on Wailuku Drive."

12. All other cooperating agencies had no comments on or objections to the subject request.

13. Letters in opposition of the variance request were filed by Hiromu Yamanaka, owner of Ululani Apartments, and Emiko Nakamae, Regional Administrator of the Hawaii Public Library.

14. In support of the request, the petitioner has presented the following:

"1. The Preliminary Comments on the proposed parking plan as received on September 21 from the County Planning Department requires that a total of 33 parking stalls be provided by the owner for the mortuary operation. A total of 34 stalls have been planned. In addition, cars will not be parked as to impede traffic flow on the lane in the rear of and in between the Hawaii County Library and said property. The present Wailuku Drive ingress and egress traffic pattern from the property will be expanded so as to insure smooth flow of traffic from the property.

"2. A mortuary is a type of operation wherein a majority of the traffic stalls will only be used during the time a funeral service is being held. The amount of



in and out customers as compared to a retail operation will be minimal, thus the theater parking areas will be utilized only during funeral service. A parking attendant will be used during all funeral services in the theater parking areas as well as throughout the property to insure that cars are properly parked and traffic is circulating properly. The Memorial Mortuary plans seating for 150 in their chapel and it is felt that the number of planned parking stalls will be adequate to serve this projected number.

- "3. If additional areas of the building are converted at a later date to a chapel, or other uses, Memorial Mortuary intends to acquire adjacent properties to provide parking for the expansion.
- "4. Existing plants and trees on the property will be utilized as a buffer between said property and the apartment house located on the makai or east side of the property. It is believed that the present building front with its abundant growth of monstera is attractive and no buffer planting is being planned to hide this from public view from Wailuku Drive.
- "5. The type of business being planned for the property is consistent with the Hilo Downtown Development plan. It is believed that the granting of this variance will not interfere with neighboring properties or be detrimental to public welfare. The granting of the variance is necessary to enable Hilo Medical Group to lease said property to Memorial Mortuary, Inc. Hilo

Medical Group is now absorbing a substantial loss in mortgage payments because the property is not in use. A favorable consideration upon this variance request will relieve Hilo Medical Group from a considerable financial hardship."

15. Upon reviewing the request against the guidelines for considering a variance, the staff recommended denial of the application at the preliminary hearing on November 15, 1976, based on the following findings:

That it is determined that the granting of this particular variance would be inconsistent with the general intent and purpose of the parking requirements and standards. Certain parking standards, which include adequate backup aisle space, are used to enable free traffic movement within the parking area and within the property. Although it is realized that in some types of special use facilities, for lack of space or economic reasons, it may be justifiable to resort to special measures to meet special or unusual requirements, it is determined that such measures are not desirable for uses such as a mortuary which encourage the congregation of a substantial number of vehicles at a given time.

Since convenience plays a significant role in parking utilization, there must be adequate and easily accessible parking spaces. It is determined that implementation of the proposed parking scheme, which includes theater-style parking, would tend to cause serious traffic backup and delays at peak time, especially along Wailuku Drive. It is quite certain that traffic congestion would be created as a result of parking

deficiencies. This congestion, in turn, would result in a hazardous traffic situation, especially since the property is situated in close proximity to an intersection. Also, congestion, as measured in unacceptable long waits to enter or leave the parking area, will reduce the demand for its use. The use of the parking stalls on the site would drop sharply unless the vehicles can enter and leave the parking area in a reasonable time. Realizing this situation, it is undeniable that those who attend the funeral services would be discouraged from parking on the site; thus, they would look for other areas to park. When this happens, the problems occur. Although there is a public parking lot at the corner of Waianuenue Avenue and Keawe Street, because of its distance of approximately 1,600 feet from the proposed facility, the users would tend to seek parking in closer proximity. As an example, since the Public Library parking lot is conveniently located adjacent to the subject site, there will be a tendency for people to park their vehicles there. After all, it is recognized that a person's parking habit is to park his/her vehicle as close as possible to the establishment which he or she will be using. In doing so, it would reduce the number of stalls for the library users. The library as well as other uses in the area, including the adjacent apartment building, do not have attendants to protect their client's or tenant's parking interests.

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Furthermore, as evidenced by statements presented at a public hearing on a change of zone request for this particular property, the petitioner was well aware of the parking requirements and the position which would be taken should a parking variance be submitted. As such, it is further determined that no special or unusual circumstances exist to a degree which deprives the petitioner of substantial property rights which would otherwise be available or to a degree which obviously interferes with the best use or manner of development of the subject property.

16. At that meeting, the Planning Commission voted to deny the variance request for the reasons as outlined by the staff. The vote to deny was recorded as six (6) ayes and zero (0) no.

#### CONCLUSIONS OF LAW

1. Pursuant to Section 5-4.3(g) of the Hawaii County Charter, the Planning Commission has jurisdiction to hear and determine appeals requesting variances from the Subdivision and Zoning Codes.

2. All procedural requirements as prescribed by law have been complied with.


3. Under Section 5-4.3(g) of the Hawaii County Charter, a variance may not be granted unless there are special or unusual circumstances applying to the subject property which would result in unnecessary hardship if the ordinance were literally enforced, and the granting of the variance would not be contrary to the public interest.

#### DECISION AND ORDER

Based upon the testimony and exhibits introduced at the preliminary hearing and the foregoing Findings of Fact and Conclusions

of Law, it is the decision of the Planning Commission and it is hereby ordered that the variance from the requirements of Article 26, Section 6 of the Zoning Code (Chapter 8) pertaining to minimum parking requirements of Tax Map Key 2-3-14:14 and 22 located in Piihonua, South Hilo, Hawaii, be and is hereby denied.

Dated at Hilo, Hawaii, this 13th day of December, 1976.

  
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Leon K. Sterling, Jr., Chairman

