



Planning Commission

Lorraine R. Inouye
Mayor

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

CERTIFIED MAIL

October 15, 1992

Mr. Sidney Fuke
Sidney Fuke & Associates
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

Special Management Area Use Permit Application (SMA 92-7)
Applicant: S & F Land Co., Inc.
Request: Conversion of Former Hilo Mini Golf Site into
Tire Retail/Warehouse Facility and Office Facility
Tax Map Key: 2-2-53:5

The Planning Commission at its duly held public hearing on October 8, 1992, voted to approve your application, Special Management Area (SMA) Use Permit No. 335, to allow for the establishment of a retail/warehouse and office building and related improvements. The property is the site of the former Hilo mini-golf operations, makai and southeast of the Chiefess Kapiolani Elementary School, Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205A, Hawaii Revised Statutes (HRS), and Rule No. 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 the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

One of the criteria for granting an SMA Use Permit is that it is consistent with the General Plan and zoning designation. The proposed development conforms to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map which designates the property for High Density Urban uses. Furthermore, the proposed

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use is consistent with the Hilo Community Development Plan and the Zoning Code, both of which designate the area for general commercial uses.

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 be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and elimination of planning options." The subject property has been extensively improved over the years to accommodate the former Hilo Mini Golf complex. Therefore, it is not anticipated to contain any unique ecological systems nor provide habitats for any endangered plants or animal species. No adverse impacts on water quality are expected to be generated by the proposed development. The applicant will utilize an existing cesspool located on the property. The applicant will be required to hook-up to the County's sewerage system at a time determined by the Departments of Health and Public Works. Any potential runoff or discharge as a result of the project can be handled by on-site improvements as may be required by the Department of Public Works and the Department of Health.

The proposed development will not affect public shoreline access or recreational areas due to its significant distance from shoreline areas. The project site is located approximately 4,000 feet from Hilo Bay and approximately 375 feet from the Waiakea Pond. Therefore, no interference or interruptions of these resources should be generated by the project.

The proposed development will be limited to the renovation of an existing structure and the rehabilitation of the parking area. The project site is located within an area that has been extensively developed with other commercial and multi-story apartment complexes. Therefore, scenic and open space resources will not be significantly affected by the proposed project.

Similarly, archaeological resources are not anticipated to be located on the property.

This portion of Kilauea Avenue is heavily travelled. As proposed by the applicant and recommended by the Department of

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Public Works, ingress and egress to the property will be limited to right-turn movements only. This limitation will be made a condition of approval.

With the implementation of the requirements imposed through conditions of approval included with this permit, the proposed development would complement the following General Plan policy for commercial development which states that "Commercial facilities shall be developed in areas adequately served by necessary services, such as water, utilities, sewers, and transportation systems"

Approval of this request is subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval for the proposed development shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured.
3. Construction/renovation of the facility and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
4. Access to the subject property shall meet with the approval of the Department of Public Works. Ingress and egress from Kilauea Street shall be limited to right-turns in and right-turns out. Appropriate signage indicating these restricted turning movements shall be installed by the applicant prior to the issuance of a certificate of occupancy for the proposed facility.
5. The development shall connect to municipal sewerage system at a time and in a manner meeting with the approval of the Departments of Health and Public Works.
6. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or

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coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be 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 laws, rules, regulations and requirements, including those of the Department of Public Works and the Department of Health.
8. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. 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 with and the Planning Director acknowledges that further reports are not required.
9. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) 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; b) granting of the time extension would not be contrary to the General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) 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 procedures to revoke the permit.

This approval 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.

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Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,

Mike Luce

Mike Luce, Chairman
Planning Commission

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jdk

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
OSP, CZM Program w/background
Department of Health
DLNR
Mayor
Planning Director
Plan Approval Section