



STATE OF  
HAWAII

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT  
**LAND USE COMMISSION**

P. O. BOX 2359 • HONOLULU, HAWAII 96804

# 200

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January 10, 1972

Planning Commission  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

Attention: Mr. Raymond Suefuji, Planning Director

Gentlemen:

This is to advise you that the special permit request by Ernest Leo Murray (SP71-120) to construct a shopping center complex on a 1.4-acre parcel described as TMK 9-2-85: 28, at Kahuku, Ka'u, Hawaii, was denied by the Land Use Commission at its meeting on January 7, 1972.

Prior to taking action on this request, the enclosed staff report was presented to the Commission.

Should you desire any further information, or have any questions, please feel free to contact us.

Very truly yours,

*Tatsuo Fujimoto*  
TATSUO FUJIMOTO  
Executive Officer

Enclosure

cc: Mr. Ernest Leo Murray

STATE OF HAWAII  
LAND USE COMMISSION

County Council Room  
Hilo, Hawaii

January 7, 1972  
10 a.m.

STAFF REPORT

SP71-120 - ERNEST LEO MURRAY

Mr. Ernest L. Murray of Captain Cook, South Kona, Hawaii, requests approval of a special permit to construct a shopping complex within the Agricultural District at Kahuku, Kau, Hawaii.

The land involved is a vacant 1.4-acre parcel described as TMK 9-2-85: 28, situated within the Hawaiian Ocean View Estates Subdivision. Its location along Mamalahoa Highway, King Kam Boulevard, and Moana Drive provides this parcel with approximately 800 feet of road frontage. Initially, a one-story structure containing almost 1,500 feet of floor area will be constructed to house a grocery store, yarn shop, and post office. An office building and a service station are proposed for future increments. The petitioner feels that these facilities are needed in this area because of the number of homes that have been constructed and because of pilferage from mail boxes in the subdivision.

Letters from Lillian V. Biggle, President, Mauna Loa Ladies Club, and Dante K. Carpenter, Councilman, were submitted to the Hawaii County Planning Commission voicing

support of the proposed development because it would add greatly to the conveniences of the residents in the area and since it would resolve the mail pilferage problem.

At its meeting on November 11, 1971, the Hawaii County Planning Commission voted to recommend approval of the special permit on the basis of the following:

- "1. Proposed uses are deemed justifiable and desirable because of the great distance from any support facilities for residents in this area.
- "2. Gradual build up of area (approximately 90 homes) substantiates need."

subject to the following conditions:

- "1. Proposed development shall conform to all applicable regulations including 'Plan Approval.'
- "2. Plan shall substantially follow sketch as submitted with the application.
- "3. Construction shall begin within one year from date of approval should the State Land Use Commission grant this permit or special permit shall be deemed null and void."

The property in question lies approximately 12 miles west of Naalehu. The Hawaiian Ocean View/<sup>Estates</sup>Subdivision, of which the parcel is a part, consists of approximately 12,000 one-acre lots. Construction to date totals approximately 75 homes in this subdivision. This compares with a total of approximately 45 homes existing in January, 1969. The rate of home construction for the past three years is therefore

about 10 homes per year. Also located within the Hawaii Ocean Estates View/Subdivision are two churches, a four-unit motel, and a bar-restaurant-office complex. With the exception of the two churches, these facilities were allowed under a special permit to Harry McKee in September, 1962.

Soil classification by the Land Study Bureau indicates that the subject property is comprised of aa clinkers with no soil material and is very poorly suited for overall crop use. The elevation is approximately 2,000 feet, and median annual rainfall is approximately 85 inches. Electricity and telephone services are available from the Belt Road. However, no public water system is available. The petitioner has indicated that a catchment system will be constructed including two 20,000 gallon tanks. Water will be hauled in if necessary.

A review of past special permit requests within the Estates Hawaiian Ocean View/Subdivision would help to properly evaluate the instant request:

1. SP(T) 62-21, Harry McKee - granted by the Land Use Commission in September, 1962 to construct a restaurant-bar-office and motel. The grant was made under the Temporary District Boundary, and no time limitation for initiation of

construction was imposed. Construction was only recently completed after inquiries by the Land Use Commission as to the status of the project.

2. SP66-32, Ben Hess - granted in October, 1966 to construct a motel-restaurant expired after several time extensions were granted to begin construction.
3. SP66-33, David E. Erwine - granted in October, 1966 to construct a contractor's yard and warehouse. The permit expired since no construction was initiated within the one year time limitation.
4. SP69-60, Helen Divine - granted in January, 1969 to construct an eight-unit apartment building, restaurant-bar, and shopping facilities. Expired since no construction was initiated within the one year time stipulation.

Also being considered on today's agenda is a request by Ocean View Investment Co., Inc. to rezone approximately 52 acres from Agricultural to Urban in the nearby Hawaiian Ranchos Subdivision in order to establish commercial facilities similar to those proposed under this petition.

Under a special permit procedure, the failure to initiate construction of a proposed commercial development would not be detrimental to the integrity of the Agricultural districting of the area. Past experience with the three petitions represented by Hess, Erwine and Divine shows this to be true.

Application of the guidelines of the special permit procedures to the instant proposal indicates that it may be considered an unusual and reasonable use since it would not be contrary to the objectives of the Land Use Law; would not adversely affect surrounding property but instead would add to the convenience of the surrounding residents and to the traveling public; would not unreasonably burden public agencies to provide services since the applicant will make his own provisions for water; and since the land is unsuited for the uses permitted within the district.

It is therefore recommended that the special permit be approved subject to the three conditions stipulated by the Hawaii County Planning Commission with the additional conditions that:

4. the petitioner will be responsible for providing his own water catchment system, including two 20,000 gallon tanks; and

5. adequate landscaping satisfactory to the Hawaii County Planning Director be provided along that portion of the property fronting the Belt Road.