



DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT



*LVL*

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LAND USE COMMISSION

250 South King St. / Honolulu, Hawaii 96813 / P. O. Box 2359 / Honolulu, Hawaii 96804

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Executive Officer

November 30, 1973

Hawaii Planning Commission  
25 Aupuni Street  
Hilo, Hawaii 96720

Attention: Mr. Raymond Suefuji  
Planning Director

Gentlemen:

At its meeting on November 29, 1973, the Land Use Commission voted to approve a special permit to Eileen C. Odo (SP73-162) to establish a general store, gasoline station, laundromat, mail station, drive-in snack shop, barbershop, beauty shop and related office uses, on approximately 20,007 square feet of land situated within the State Land Use Agricultural District at Waiakahiula, Puna, Hawaii, identified as Tax Map Key 1-5-99: 11; subject to the conditions imposed by the Hawaii County Planning Commission; and subject also to the additional stipulation that the special permit shall be null and void should ownership of the subject property be changed before the uses represented are established.

A copy of the staff report is enclosed for your information.

Very truly yours,

TATSUO FUJIMOTO  
Executive Officer

Encl.

cc: Eileen C. Odo  
Dept. of Taxation, Hawaii  
Property Technical Office, Department of Tax.  
Tax Maps Recorder, Department of Tax.  
Real Property Tax Assessor, Dept. of Tax.

STATE OF HAWAII  
LAND USE COMMISSION

MEMORANDUM

November 29, 1973

9:30 a.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: SP73-162 - EILEEN C. ODO

A special permit for the establishment of a general store, gasoline station, laundromat, mail station and drive-in snack shop on approximately 20,007 square feet of land situated within the Agricultural District at Waiakahiula, Puna, Hawaii is requested by Eileen C. Odo. The land is described as Tax Map Key 1-5-99: 11 and is located in the Hawaiian Shores subdivision.

The subject property fronts Kahakai Boulevard which is the main access to the 3 non-conforming residential subdivisions in the area--Hawaiian Parks, Hawaiian Beaches, and Hawaiian Shores subdivisions. Though situated within the Agricultural District, the estimated 2,000 acres comprising these 3 subdivisions are subdivided into approximately 3,900 lots ranging from 9,000 to 15,000 square feet in size. To date, approximately 450 homes have been constructed or under construction in these subdivisions. Pahoa lies approximately 3.5 miles to the southwest of the parcel in question. The land is designated "E" or very poor for overall agricultural use, is located approximately 350 feet above sea level and is in an area where rainfall ranges between 100 to 150 inches annually. Access and basic utilities are available, including a private water system. The parcel in question as well as the lots immediately adjacent is vacant.

In support of the request, petitioner indicates that as a resident in the area for the past 3 years, the absence of a place to purchase incidentals and goods usually available in a general store poses a serious problem for residents. Facilities proposed under Phase I would include a mail station which would not be Federally sponsored but "operated through usage of Power of Attorneys enabling a person to receive mail and packages", and a retail center for general goods, building materials and rental office. Phase II of the project would include a laundromat and a gas station; and Phase III would be a drive-in snack shop. The petitioner estimates that a population of approximately 1,354 persons live in the area. This is compared to the 900 persons living in the town of Pahoa, which is served by 4 general stores, 2 laundromats, a Dairy Queen, a barber and a beautician. The distance to Pahoa from the subdivision area ranges from 3.7 to 7.6 miles.

Construction of Phase I would commence within 3 months of the approval of the Special Permit, and would be dependent on the availability of contractors. Construction would be completed in 3 to 6 months. Phase II would be initiated 6 to 12 months after opening of the general store. Phase III would be initiated when an experienced person can be found to operate the snack shop which would be under a lease arrangement. Petitioner advises that she is presently liquidating personal assets to partially finance the project. Mrs. Odo will be the manager and sole employee of the general store until business volume dictates otherwise. Family finances would not be jeopardized as a result of this development as family income is sufficient. Petitioner emphasizes that she is a permanent resident of the community with no intentions of moving or of selling the venture.

A letter and a petition in support of the special permit was submitted indicating that of the 331 families approached, 312 families or 94.3% were in support and only 19 families or 5.7% were either non-committal or not in support. Of the 384 homes which were completed at the time of canvassing, 28 homes were vacant because of pending sales or rental and the families of 4 homes were not available for various reasons.

Also submitted by the petitioner is a preliminary plan showing a proposed building of 24' x 56', a future addition to the building measuring approximately 24' x 86', an access to Kahakai Boulevard and a total of 26 parking stalls.

Correspondence received by the Hawaii County Planning Department:

1. Letter from Robert M. Yukitomo, Trustee of Hawaiian Shores Recreational Estates, Inc., owner of properties adjacent, indicating that he neither endorses nor objects to the special permit request.
2. Letter from Charles Hoopai, Acting Chairman of the Puna Soil and Water Conservation District recommending disapproval of the petition since it does not conform to the General Plan.
3. Letter from Mr. and Mrs. Jack Jennings from Wisconsin opposing the request.
4. Letter from James R. Coyle, nearby resident, opposing the request since his property "might be prejudiced by proximity to a potential nuisance".
5. Letter from Mr. and Mrs. Noel Swearingen of Wahiawa in support of the petition.

6. Letters from Highways Division, Department of Agriculture, Department of Education, Department of Public Works, Fire and Police Departments, Department of Health--no comments or objections.
7. Letter from the Department of Water Supply advising that the private water system is not within departmental standards, only 1 well source serves the system, and that no fire hydrants exist. Should approval be granted, the installation of a fire hydrant in front of the project is recommended.

#### COUNTY RECOMMENDATION

On October 25, 1973, the Hawaii County Planning Commission voted to recommend approval of the Special Permit based on the findings:

- "1. That the requested commercial facilities are considered reasonable and needed uses within the subject area. Although the area is designated agriculture, it has been subdivided into approximately 3,900 urban sized lots and as of August 1973, 448 dwellings have been constructed or are under construction within the subdivisions. Based on the number of dwellings and the substantial growth taking place within the subdivisions within recent years, it is found that limited neighborhood type of commercial facilities are warranted to provide convenience goods to persons within the area;
- "2. That the area is recognized as a residential area and basic facilities, with the exception of a dedicable water system are available for residential and related uses. In terms of water and fire protection facilities, the applicant will be held responsible for providing these services before construction permits are issued; and
- "3. That the subject property is located along the main road, Kahakai Boulevard, which leads into the subdivision and is deemed easily accessible to the residents of the area."

"The favorable recommendation was also contingent upon the following conditions:

- "1. That construction of the proposed facilities begin within one (1) year of the date of approval of the special permit and minimum facilities to be constructed shall include the general store; and

- "2. That all other applicable regulations, i.e. plan approval, water, fire protection, etc., be complied with."

It is noted that the area is presently zoned Ag 1 acre and designated for Orchard use and an Alternate Urban Expansion area under the County General Plan.

#### ANALYSIS

It is recalled that on June 2, 1972, the Land Use Commission unanimously disapproved a boundary amendment petition submitted by Hawaiian Real Estate Corporation to establish 3 separate commercial areas totalling 18.5 acres in the nearby Hawaiian Parks subdivision. Denial was based on the fact that no valid evidence was submitted to justify the rezoning from Agricultural to Urban, would contribute to spot zoning, and is not in accord with the objectives of the Land Use Law with regard to the scatter of urban development. Further, there was no indication by the petitioner as to the specific uses proposed nor was a development schedule submitted to show that actual construction would be accomplished in a 5 year period.

The petition now under consideration is a special permit request for an "unusual and reasonable" use within the Agricultural District. If approved, the underlying designation of Agriculture would not be changed as it would under a boundary amendment procedure. A boundary change would result in an undesirable spot zone which would be directly contrary to the objectives of the Land Use Law.

Staff finds that this special permit request essentially meets the guidelines established in the Land Use District Regulations for determining an "unusual and reasonable use" since:

1. The proposed facilities would accommodate the sundry needs of the residents in a relatively rapid growing community and is supported by the great majority of the residents;
2. The property is located along the main access road entering the 3 subdivisions and would thus be easily and conveniently accessible;
3. The proposed use would not adversely affect agricultural activities since the property and surrounding lands are not in agricultural use nor suited for intensive cultivation.
4. Public agencies would not be unreasonably burdened to provide services and facilities, particularly since the Hawaii County Planning Commission is holding the petitioner

responsible for providing water and fire protection services before construction permits are issued.

Based on the above, the staff recommends approval of the special permit as conditioned by the Hawaii County Planning Commission with the additional stipulation that the Special Permit shall be null and void should ownership of the subject property be changed before the uses represented are established.