

April 9, 1976

Mr. George Yuda  
275 Ponahawai Street  
Suite 201  
Hilo, HI 96720

Re: Southwestern Improvement and Investment Co.  
Special Permit - Newspaper Publishing Facility  
TMK: 7-5-03:19

At its meeting on April 2, 1976, the Planning Commission voted to defer action on the above-described request until such time that all seven (7) commissioners are present to vote on the matter.

As you are aware, the staff recommended denial of the application. The reasons for denial are as follows:

That one of the guidelines for reviewing a request for a Special Permit is that such use would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. These regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which those lands are best suited in the interest of public health and welfare. However, upon reviewing the type of use proposed for the area, it is felt that the granting of this particular request would in fact be incongruous with the objectives sought to be accomplished by the Land Use Law and Regulations as well as by the County General Plan.

The General Plan suggests alternate urban expansion for that particular area; thus, the potential for urban development for the area is quite real. In order to better determine the type of urban uses most logical for such suggested alternate urban expansion areas, however, we do have, or will be having, Community Development Plans (CDP) for various areas throughout the County. Although the Kona CDP has not been adopted as yet, preliminary plans indicate low density residential uses for this particular area. Major and subordinate commercial cores are suggested

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for Kailua Village and Kealakehe with declining density uses between these two (2) development nodes. As such, it is determined that the allowing of the facility at its proposed location would have an undesirable effect of introducing commercial-type activities in an area not envisioned for such.

Furthermore, the Commercial Element of the General Plan discourages "strip" commercial development. One of the specific courses of action for the Kona area is to centralize and contain commercial activities in existing urban centers. The area in question, which is situated off Palani Road and approximately 3,000 feet away from the Kailua Village core would tend to create a "strip" development of commercial facilities by the nature of its location. As a result, there would be a natural tendency for other commercial uses to be proposed between the commercial core and the area in question. "Strip" development is directly opposed to the cluster concept utilized in designing commercial areas. In this particular case, the intent is to centralize and contain commercial activities within given or identifiable areas.

It is also undeniable that approval of this request in this particular area would create a situation wherein other lands in its vicinity will be in a vulnerable position for similar action. It would also create an undesirable situation of a scatteration of commercial activities in the area. The further proliferation or scatteration of commerce-related activities may tend to debilitate the strong central commercial core of Kailua Village. As such, in this particular case, it is felt that the area's need would not necessarily be better served with the proposed use at the requested location.

In reviewing and evaluating the commercially zoned lands in the Kona area, it is felt that other lands or buildings are available for the proposed use in properly zoned locations. According to our survey, there are approximately sixty (60) acres of commercially zoned lands in Kona which have not been built upon. Of this amount, about twelve (12) acres is in Kailua Village. Also, there are a number of vacant commercial spaces within the Kailua area available for rent or lease. As such, it is determined that other alternative sites are available to the petitioner to establish his proposed use within the Kona area.

Another test applied in reviewing Special Permit request is whether unusual conditions have arisen since the district boundaries and regulations were established. However, it is

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determined that there are no such unusual conditions to justify the granting of the proposed commercial-type activity in this area. It is not like the Hawaiian Ocean View Estates or similar areas where the development pattern for urban-type uses is unpredictable at the present time. The development pattern for Kailua Village and its surrounding areas is quite clear.

It should be made clear that we are not against "spot zoning" per se, as an introduction of such use through a Special Permit would initially constitute a form of "spot zoning," provided, however, that a commitment has been or can be made to allow or further such uses in that area. Although the urban potential for this particular area is very real, we do not, however, envision high density uses in this area, such as commercial activities.

Consequently, it is determined that the establishment of the proposed use at the requested location does not meet the guidelines for granting of a Special Permit.

We will notify you when the Commission is ready to take action on your request. Should you have any questions in the meantime, please feel free to contact Norman Hayashi or Ilima Piianaia of the Planning Department.

*Sidney M. Aue*

RAYMOND SUEFUJI  
Director

NH:sb

cc: Jim Wilson  
Ross Pendergraft