



DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 S. King Street, Honolulu, Hawaii 96813

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January 25, 1977

#351

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GORDAN FURUTANI  
Executive Officer

HAWAII PLANNING COMMISSION  
25 Aupuni Street  
Hilo, Hawaii 96720

Attention: Mr. Raymond Suefuji, Planning Director

Gentlemen:

At its meeting on January 20, 1977, the Land Use Commission voted to approve a Special Permit request by STANLEY SHIMIZU (SP76-255) to allow the establishment of a freezer/storage plant and office on approximately one acre of land situated within the State Land Use Agricultural District at South Kona, Hawaii, Tax Map Key 8-3-10: por. 37; subject to the conditions imposed by the Hawaii Planning Commission, and subject further to the condition that the petitioner comply with the Department of Health's Regulations governing noise control.

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

Sincerely,

GORDAN Y. FURUTANI  
Executive Officer

GYF:yk  
Encl.

cc: Stanley Shimizu  
Department of Taxation, Hawaii  
Tax Maps Recorder, Dept. of Taxation  
Property Technical Office, Dept. of Taxation  
Real Property Tax Assessor, Dept. of Taxation  
Dept. of Planning & Economic Development  
Office of Environmental Quality Control

STATE OF HAWAII  
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission  
FROM: Staff  
SUBJECT: SP76-255 - Stanley Shimizu

January 20, 1977  
10:00 a.m.

The petitioner, Stanley Shimizu, is requesting a Special Permit to allow the establishment of a freezer/storage plant and office on approximately one acre of land situated within the State Land Use Agricultural District at South Kona, Hawaii, TMK: 8-3-10: por. 37.

The subject property is located along the makai side of Mamalahoa Highway, approximately 1000 feet north of the intersection of Middle Government Main Road and Mamalahoa Highway.

The property in question is two acres in size. The petitioner intends to utilize a one acre portion of the property that fronts the highway for the proposed use. The remaining one acre is planned for residential use.

In support of his request, the applicant has presented the following:

1. "To store all frozen merchandise we receive from our mainland distributor for resale at Retail Fish Market and to be able to freeze all local products during flooded season of ahi and other seafoods."
2. "To store blocks of ice for the local fishermen and also sale to the public."
3. "Freezer/Public Storage Rental - We often receive requests for the use of our present reefer for storage of school and private business products and many times we cannot fulfill the requests because of limited reefer space."
4. "Our present Retail Fish Market space for preparing fish for mainland shipment to Pacific California Fish Company is limited; therefore, additional space is required."
5. "Storage space for cardboard boxes used in shipping ahi."

The area under consideration is designated for Medium Density Urban Development on the General Plan Land Use Pattern Allocation Guide Map. Under this classification, village and neighborhood commercial activities and residential uses are allowed. The County zoning of the area is Agricultural 1-acre.

The subject property is presently vacant of any structures and not used for any agricultural activity. The Land Study Bureau's overall master productivity rating for the soil is Class E or very poor. Slopes of the land ranges from 6 to 20 percent and the annual rainfall in the area is between 60 to 90 inches.

Surrounding land uses include a single family dwelling on the adjacent property to the north, Honaunau School which is located 900 feet to the north, Stan's Fishery Store situated approximately 300 feet south of the subject property, coffee fields, and scattered single family dwellings.

Pertinent Comments from governmental agencies:

1. DEPARTMENT OF WATER SUPPLY:

"We have no adverse comments or objections to the proposed special permit request at this time. However, the applicant or developers should be advised that water service may not be available until after the completion of our Kahaluu Shaft project, which is tentatively scheduled for completion in the latter part of 1977. This is due to the rapidly increasing consumption in Kona where the present source capacities are being reached."

2. FIRE DEPARTMENT:

"Fire protection provided by Captain Cook Fire Station located 4 miles distant. Fire hydrants are provided."

3. DEPARTMENT OF RESEARCH AND DEVELOPMENT:

"To our understanding there is a need for a facility of this nature in the Kona area due to the recent closing of the ice plant in Kailua."

4. STATE DEPARTMENT OF HEALTH:

"Fish storage and preparation plant to meet requirements of Public Health Regulation Chapter 1-A, Food Service and Food Establishment Sanitation Code. Recommend consultative review of plans with the Area Registered Sanitarian."

At the public hearing held by the Hawaii County Planning Commission on November 15, 1976, except for the applicant, two

persons testified against the Special Permit and one supported this request. Bernice and Arthur Lincoln, residents occupying the single family dwelling just north of the property in question, expressed concern over the probable increase in property taxes and noise from the refrigeration unit. John Basque spoke in favor of this request at the hearing stating that this proposal will help the fishermen by providing a local outlet for block ice and fish sales.

On December 16, 1976, the Planning Commission voted to recommend approval of this Special Permit to the Land Use Commission based on the following:

- "1. That the granting of the proposed use at its particular location would not be contrary to the General Plan Land Use Pattern Allocation Guide Map which designates the area for Medium Density Urban Development. Such a designation may allow commercial and related activities such as the proposed freezer/storage building.

Furthermore, the proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The Land Use Regulations state that lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reasons of topography, soils and other related characteristics may be included in the Agricultural District. According to the Land Study Bureau, the overall master productivity rating of the land for agricultural uses is Class E or Very Poor. Although certain agricultural activities may be conducted within the subject area, it is determined that the requested use for the area under consideration will not be contrary to the Land Use Law and Regulations, given the guidelines set forth for determining the Agricultural District as well as the area's capability classification for agricultural productivity. Furthermore, the granting of the proposed use at its particular location will not have an adverse impact on the overall agricultural activity of the Kona area and the island.

- "2. That although the proposed use will somewhat alter the essential character of the land, it is determined that such a change will make the highest and best use of the land involved for the welfare of the general public. At the present time, this particular portion of the property is vacant and not used for agricultural purposes. The proposed

use will undeniably alter the existing character of the area under consideration; however, the provision of the freezer/storage plant would be beneficial and well-suited to accommodate the present and future needs of the area, as well as of the County. Although an announcement was recently made through the news media that the former North Kona Ice and Cold Storage facility will be reopened shortly under new ownership, it is felt that there still would be a need for such a facility. The proposed plant will service not only the fishermen and residents of the Kona area, but also, fishermen from throughout the County. It is intended to overcome various problems confronting the fishermen, namely, loss through spoilage and the lack of a reliable market. Benefits will accrue to the fishermen in terms of proximity to fishing grounds and market for their fish. In light of such factors, it is determined that the establishment of the proposed use will be a positive benefit and support to the fishing industry. As such, the proposed freezer/storage plant will further the objectives of Land Use Law and Regulations by encouraging and strengthening the existing fishing industry. The granting of this particular request would also complement the Economic goals of the General Plan which state that "The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors," and that "The County shall encourage the expansion of the fishing industry, various forms of agriculture, and other ocean-based activities."

Furthermore, the proposed activity is presently being conducted, on a limited basis, within the petitioner's existing store which is situated only about 300 feet away from the area under consideration. The existing building and land area of the property on which it is presently situated on, however, is too small to accommodate the increase in demand. The present building which is partitioned off as a fish market and a general store is only about 2,600 square feet in size (fish market - 600 square feet; general store - 2,000 square feet). The existing property is also too small to accommodate any expansion as it is a triangular-shaped lot which is only 10,000+ square feet in size. In light of these circumstances, the petitioner has decided to construct the proposed building on the area under consideration.

- "3. That the proposed use will not adversely affect surrounding properties. The sixty (60) feet by fifty (50) feet freezer/storage building will be situated on a one (1) acre area. According to the site plan submitted along with the application, the building will be constructed fifty (50) feet from the front

property line and forty (40) feet from the side property lines. Although there is a single family dwelling on the adjacent property to the north of the proposed building, there will be a distance of over fifty (50) feet between both structures. Furthermore, according to the petitioner, the refrigeration unit which will be insulated to cut out sound, will be within the south side of the proposed building. As a result, there will be a distance of over 100 feet between the adjacent dwelling and the refrigeration unit area. There is also another dwelling on a property situated towards the south-west of the area under consideration. The proposed building, however, will be over 200 feet from the closest property line of that lot. The property adjacent and to the south of the area in question is in coffee production and is vacant of any structures.

- "4. That all essential utilities and facilities are or will be made available for the development of the area for the proposed use. As such, the establishment of the proposed freezer/storage plant will not unreasonably burden public agencies to provide roads and other similar infrastructures."

Recommendation for approval of the Special Permit was subject to the following conditions:

- "1. That construction of the proposed facility shall commence within one (1) year from the effective date of approval of the Special Permit and be completed within two (2) years thereafter.
- "2. That a landscaping buffer which meets with the approval of the Planning Director shall be provided along the side property lines.
- "3. That all other applicable rules and regulations, including the Plan Approval Process, shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit shall be deemed null and void."



DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 S. King Street, Honolulu, Hawaii 96813

November 6, 1978

Mr. Sidney Fuke, Planning Director  
Hawaii County Planning Department  
25 Aupuni Street  
Hilo, Hawaii 96720

Re: Special Permit 76-255, Stanley Shimizu

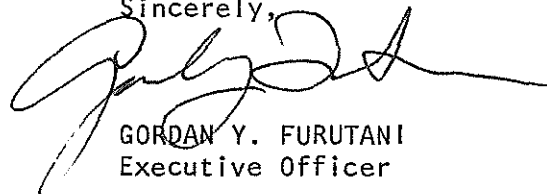
Dear Mr. Fuke:

At its meeting on October 19, 1978, the State Land Use Commission found that SP76-255 had lapsed and was already in an expired status at the time the extension request was made. The time extension request was made on July 31, 1978, nearly six (6) months after the expiration of the stipulated time period allowed to start construction of the proposed facility. Therefore, the Land Use Commission is unable to approve this request because there is legally no permit for the Commission to act upon.

The record reveals that SP76-255 was originally approved by the State Land Use Commission on January 20, 1977. As a condition of approval on the original permit, it was required of the petitioner that "... construction of the proposed facility shall commence within one (1) year from the effective date of approval of the Special Permit and be completed within two (2) years thereafter." Since the permit was approved on January 20, 1977, construction of the facility was to have commenced by January 20, 1978. In the present case, SP76-255 lapsed on January 20, 1978, inasmuch as the permittee failed to comply with the time requirements of the permit.

The action of the Land Use Commission is not predicated on any decision that the need for the proposed use is not warranted, but is instead based entirely upon the failure of the applicant to make a timely request for extension.

Sincerely,



GORDAN Y. FURUTANI  
Executive Officer

GYF:yk  
Enc.

cc: Mr. Stanley Shimizu  
Department of Planning and  
Economic Development  
Department of Taxation - Hawaii  
Tax Maps Recorder, Dept. of Taxation  
Property Technical Office, Dept. of Taxation  
Real Property Tax Assessor, Dept. of Taxation  
Office of Environmental Quality Control  
Division of Land Management, DLNR

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Chairman

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