



DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

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

GEORGE R. ARIYOSHI
Governor
EDDIE TANGEN
Chairman
STANLEY SAKAHASHI
Vice Chairman

March 4, 1977

#355

Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

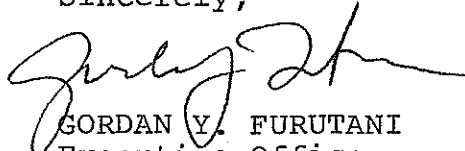
Attention: Mr. Raymond Suefuji, Planning Director

Gentlemen:

At its meeting on March 1, 1977, the Land Use Commission voted to approve a Special Permit request by Makoto Nitahara dba Nani Mau Gardens (SP77-258) to allow the serving of foods and drinks, as well as to provide entertainment at the Nani Mau Gardens arboretum which is situated within the State Land Use Agricultural District at Waiakea, South Hilo, Hawaii, Tax Map Key 2-2-48: 13; subject to the conditions imposed by the Hawaii Planning Commission.

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

Sincerely,


GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encl.

cc: Mr. Makoto Nitahara
Mr. Jeffery Choi, Attorney
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

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Edward Yanai

GORDAN FURUTANI
Executive Officer

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission March 1, 1977
9:00 a.m.

FROM: Staff

SUBJECT: SP77-258 - Makoto Nitahara dba Nani Mau Gardens

The petitioner, Makoto Nitahara dba Nani Mau Gardens, is requesting a Special Permit to allow the serving of foods and drinks, as well as to provide entertainment at the Nani Mau Gardens arboretum which is situated within the State Land Use Agricultural District.

The subject property is a 20-acre parcel within the Panaewa Farm Lots and situated at the northern corner of Makalika Street and Awa Street, Waiakea, South Hilo (Tax Map Key: 2-2-48: 13).

In October of 1973, the State Land Use Commission granted to the petitioner, a Special Permit to allow the operation of a commercial arboretum on the property in question. The subject property is presently developed and improved with various types of flowers, foliage and trees. Also located on the property is the petitioner's residence and detached garage. In addition, there is an existing sales and display building for agricultural products. The petitioner intends to utilize this 3,840 square foot building for the proposed use. One of the conditions of the previously granted Special Permit was "That any sale of products be limited to agricultural products."

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

1. "The Land Use statute clearly contemplates that in the agricultural zone, activities such as milling and processing which are not strictly agricultural activities would be permitted if these activities are in conjunction with an agricultural use and which are being utilized to process and 'market' the agricultural product. In this case, a special permit is being requested because the 'agricultural product' of Nani Mau Gardens is not the kind of product that is harvested and sent off the land but rather is kept on the property and appreciated by attracting people onto the property" "The request to allow dinner and entertainment would allow the applicant to present a package tour and dinner to tourists which would make it easier for it to 'sell' its product. The granting of the permit would not take this land out of

agricultural usage but would help to insure that the land continues to be used for agricultural purposes by providing the necessary support."

2. "The use which is being requested by the applicant will not have any measurable impact on the surrounding properties. At the present time, tourists come to visit the property and the only change, if any, would be the hope for increase in the number of people who would be visiting the property and the fact that visitors would be leaving the property at a later hour. It is not expected that any of the entertainment would be a source of irritation to the neighbors, however, the applicant will be limiting the hours during which entertainment will be provided and will also take steps to insure that the volume is not such as to adversely affect his neighbors."
3. "The applicant does not foresee any reason why the requested permit would have any impact at all upon the above-stated services (roads and streets, sewers, water, drainage, school improvements and police and fire protection) which are normally provided by public agencies."
4. "...The present economics of agriculture make it very difficult for anyone to make a living farming on small parcels of property. New and imaginative ideas have become necessary in order to make such small farms work. The regulations governing agricultural usage understandably would not have been drafted to include unusual agricultural uses. This, then, was a type of usage which was probably not foreseen by the persons who originally drafted the statute."
5. "The land is not unsuited for agricultural usage and the applicant is not trying to change the usage of the land from its basic agricultural character. The request for special permit is merely to obtain permission to make his product 'more marketable'."
6. "The present physical makeup of the property will remain virtually unchanged if the application for special permit is granted. The area outlined in red on the attached maps indicates the presently existing structures which would accommodate the proposed usage. It includes toilet facilities and adjacent adequate parking so that to all outward appearances there would be no change if a special permit is granted."
7. "...the proposed use would still retain the agricultural usage of the property which has been determined by planning officials to be the most appropriate usage for this land. It will, at the same time, provide another source of entertainment and education for tourists visiting the Hilo area which

is sorely needed by the community, without any attendant penalties or losses to the community either economically or in the form of damage to the character of the land."

The General Plan Land Use Pattern Allocation Guide Map designates the area as Orchards and Alternate Urban Expansion. The Hilo Community Development Plan (CDP) Zone Guide Map suggests that the area be retained at its present Agricultural 10-acre (A-10a) zoning designation. The Hilo CDP, however, also suggests that area be used for Alternate Residential Expansion should the need arise.

Surrounding land uses include single family dwellings and several agricultural activities. The lots on the opposite side of Makalika Street are 2.7 acres in size and zoned by the County as Agricultural 3-acres (A-3a). The State Land Use District classification for these lots is Urban. Makalika Street, which provides access to the property, has a 50-foot right-of-way with an 18-foot pavement.

Pertinent Comments from governmental agencies:

1. DEPARTMENT OF WATER SUPPLY

"Please be informed that the existing water distribution system within Panaewa Farm Lots will not be able to provide any additional or larger service. Due to the old and inadequate sized waterlines, services are being limited to one 5/8-inch meter per existing parcel.

"Therefore, should the proposed use require an additional or larger service, it is recommended that the Special Permit request be denied. Otherwise, we have no objections to the application.

"Should the application be approved, the applicant should be made aware that until the water system within Panaewa Farm Lots is improved, no additional or larger service shall be permitted. It is requested that this be stipulated as a condition for approval.

"For your further information, the nearest adequate sized waterlines are approximately 2000 feet and 1500 feet away along Kanoelehua and Railroad Avenues, respectively."

2. FIRE DEPARTMENT

The Fire Department informs that fire hydrants are provided within the area.

3. STATE DEPARTMENT OF HEALTH

The State Department of Health stated that the proposed food service establishment shall meet the requirements

of Public Health Regulations, Chapter 1-A, Food Service and Food Establishment Sanitation Code. Also, the sewage disposal systems shall be approved by the Registered Sanitarian of the department.

All other cooperating agencies, including the State Department of Agriculture, had no comments on or objections to the subject request.

At the public hearing held by the Hawaii County Planning Commission on December 16, 1976, the only persons to testify on this permit request were the applicant and his attorney.

On January 20, 1977, the Planning Commission voted to recommend approval of this Special Permit to the Land Use Commission based on the following:

- "1. That approval of the proposed uses will not be contrary to the objectives sought to be accomplished by the State Land Use District Regulations. The Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which these lands are best suited in the interests of public health and welfare of the people of the State of Hawaii.

The purpose of this request is to allow the serving of food and drinks, including alcoholic beverages, as well as to provide entertainment at the existing Nani Mau Gardens Arboretum. The Nani Mau Gardens complex, comprising of approximately twenty (20) acres, was established under a Special Permit (SP73-159) by the State Land Use Commission on October 17, 1973. Upon receiving the Permit, the petitioner was allowed to charge an admission fee for entrance into the complex. The Permit also allowed the commercial sales of agricultural products on the premises. This latter activity is presently being conducted in the existing building where the proposed uses will take place. As such, it is felt that the establishment of the proposed use will not substantially alter the essential character of the 20-acre lot and its presently established use. With the exception of utilizing an existing building for the proposed uses, the present use of the property will remain unchanged.

- "2. That the establishment of the proposed uses will also complement the goals and policies of the Economic Element of the County of Hawaii General Plan. One (1) of the goals of the General Plan is to 'strive for stability in its economic system.' As policies, the General Plan also states that the County 'shall encourage the development of a visitor industry which is consistent with the social, physical, and economic goals of the residents,' and also 'shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.'

The petitioner's intent in establishing the proposed uses is to provide some evening entertainment for the visitors to the County of Hawaii; and thus, possibly extending the length of stay of the visitors. As stated in the Hilo Community Development Plan, visitors can be both attracted to and stay longer in Hilo if the natural beauty of the area is accentuated by enhancing the City of Flowers concept, through presentation of other points of interest as well as providing other types of entertainment.

According to the Hawaii Visitor Bureau's Westbound Intended Length of Stay Report dated November 12, 1976, the average length of stay for visitors to the Island of Hawaii is three (3) days. Although there is no breakdown as to how long the visitor stays in Hilo, it should be pointed out that the visitor normally stays in Hilo for one (1) whole day or overnight. The remaining two (2) days are spent on the west side of the island. Therefore, it is felt by allowing the proposed uses, as well as other attractions within the Hilo area, there is the tendency or possibility that the visitor's length of stay in Hilo as well as the island would increase.

Although the visitor industry has emerged as a major economic force for the County in the past decade and a half, there is still the question of stability of the visitor industry. As compared to other counties within the State, occupancy on the island has decreased. This industry, which caters to the recreational desires of people, is highly sensitive to not only exogenous factors such as the national economy, but also the amenities available within the area. As such, sufficient activities and interests should be made available to the visitors in order to achieve the County's goals and policies of maintaining economic stability. As an emerging economic force of the County, the visitor industry will have a tremendous effect on the lives of the residents. The greatest impact of the visitor industry has been the creation of additional employment and income opportunities for the residents. This industry greatly contributes to the economy of the island as well as the State. As such, it is determined that the establishment of the proposed uses will be in the best public interest.

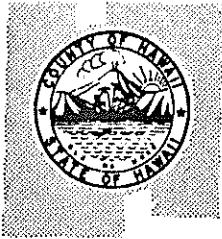
- "3. That the proposed use will not adversely affect the surrounding properties. The existing arboretum use presently receives visitors into the complex basically during the daylight hours. Although the additional usage within the complex will be, at times, held during the evenings, it will be done on an infrequent or reservation basis. Furthermore, the time of operation of the proposed uses will be limited up until a certain hour. This will be spelled out as a condition

of approval of the Special Permit. It is therefore determined that the granting of this particular request will not be materially detrimental to the public welfare or injurious to improvements or property rights related to properties in the near vicinity.

- "4. That the proposed use will not unreasonably burden public agencies to provide additional facilities and services. All essential utilities and services are available to the subject property."

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

- "1. That the proposed uses shall be confined to the existing building indicated in red on the petitioner's site plan identified as Exhibit C-3.
- "2. That the proposed uses shall be established within one (1) year from the effective date of approval of the Special Permit.
- "3. That the rules, regulations and requirements of the County Department of Water Supply and State Department of Health shall be complied with.
- "4. That prior to establishment of the proposed uses, plans shall be submitted to the Planning Department for Plan Approval.
- "5. That the time of the proposed uses shall be limited up until the hour of 10:30 p.m.
- "6. That all other applicable rules and regulations shall be complied with."



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKU
Director

DUANE KANUHA
Deputy Director

#355

October 15, 1981

Mr. Gordan Furutani
Executive Officer
Land Use Commission
Old Federal Building, Room 104
335 Merchant Street
Honolulu, HI 96813

Dear Mr. Furutani:

Nullification of Special Permit No. 77-258
Makoto Nitahara dba Nani Mau Gardens
TMK: 2-2-48:13

OCT 19 11 47 AM '81
LAND USE COMMISSION
STATE OF HAWAII

On March 1, 1977, the State Land Use Commission approved a Special Permit request by Makoto Nitahara dba Nani Mau Gardens to allow the serving of foods and drinks, as well as to provide entertainment at the arboretum situated on 20 acres of land. Condition No. 2 of the permit stated "That the proposed uses shall be established within one (1) year from the effective date of approval of the Special Permit."

Due to non-compliance with this condition, and also since the petitioner does not intend to proceed with the Special Permit, the Planning Commission at its meeting on October 9, 1981, voted to recommend to the State Land Use Commission that the Special Permit be nullified.

We would appreciate hearing from you on the Planning Commission's decision on this matter. Should you have any questions or need further information, please feel free to contact the Planning Department at 961-8288.

Sincerely,

BERT H. NAKANO
Chairman, Planning Commission

NH:lgv

cc: Mr. Makoto Nitahara