



DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

#373

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Vice Chairman

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

December 6, 1977

HAWAII PLANNING COMMISSION
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on December 2, 1977, the Land Use Commission voted to approve a Special Permit request by the Kona Palisades Estates Community Association, Hawaii (SP77-283) to allow the establishment of a community recreational center on approximately .51 acre of land situated within the State Land Use Agricultural District at Kalaoa 5th, North Kona, Hawaii, Tax Map Key 7-3-42: 13 and 14.

Approval of this Special Permit is subject to the conditions imposed by the Hawaii County Planning Commission and the added condition:

- "5. That the Special Permit be contingent upon acquisition of the property by the Kona Palisades Estates Community Association. Should they fail to acquire the property, the permit will be null and void."

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

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encl.

cc: Kona Palisades Estates Community Association
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
Division of Land Management, DLNR

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GORDAN FURUTANI
Executive Officer

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission December 2, 1977
10:00 a.m.

FROM: Staff

SUBJECT: SP77-283 - Kona Palisades Estates Community Association

The petitioner, Kona Palisades Estates Community Association, is requesting a Special Permit to allow the establishment of a community recreational center on approximately .51 acre of land situated within the State Land Use Agricultural District at Kalaoa 5th, North Kona, Hawaii, Tax Map Key 7-3-42: 13 and 14. The subject property is located along Kaimi Nani Road, approximately one (1) mile mauka of the Queen Kaahumanu Highway and Kaimi Nani Road intersection (see County Exhibit L-1).

The area under consideration is comprised of two (2) parcels, one of 12,230 square feet (parcel 13) and the other of 10,002 square feet (Parcel 14). Should the request be granted these two (2) parcels would be consolidated.

The proposed community recreational center is to include a 1,024 square foot pavilion (32' X 32') and parking area. The remainder of the property would be landscaped and include a children's play area.

In support of the request, the petitioner has in part stated the following:

"The reasons for the Kona Palisades Community Association request for a Special Permit to build a Community Recreation Center are:

- "1. The original developer failed to provide such a facility for our 781 owner members.
- "2. We have a one year option on two lots from the Trustee of T.H.C. Financial Corporation to be used for a Community Center.

"In addition, we conform to the conditions required on the Special Permit Application: The Community Recreational Center

- "a. Will conform to the objectives of the Land Use Law and Regulations.

- "b. Will not adversely affect the surrounding properties.
- "c. Will not unreasonably burden any of the public agencies.
- "d. Will correct the failure of the original developer to provide a Community Facility.
- "e. Will be best suited for this purpose since using the least desirable of the home lots.
- "f. Will not alter or change the essential character of the land and the present use.
- "g. Will make the highest and best use of the land for the public welfare and the Community Association."

The subject property is presently vacant of improvements. Surrounding lands are either vacant or utilized for single family residential use. The Kona Palisades Estates Subdivision contains 786 lots ranging between 10,000 sq. ft. and 12,000 sq. ft. in size. There are presently 56 single family dwellings in the subdivision.

The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the subject property for extensive agricultural use. This designation refers to those agricultural lands which are primarily suited for grazing and pasturage uses. The property is presently zoned Unplanned (U) by the County.

The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "E" or Very Poor for the subject site. The soil of the subject property consists primarily of 'a'ā lava with practically no soil covering.

All essential utilities, including water and electricity are available to the subject site.

Pertinent comments from governmental agencies:

1. Fire Department

"Fire protection and rescue services can be provided from the Kailua Fire Station which is located at Kailua-Kona, approximately seven miles (Queen Kahumanu Highway) or ten minutes away.

"We have adequate number of hydrant and water facilities for firefighting in the Kona Palisades Estates subdivision."

2. Department of Health

The State Department of Health noted that required sanitary and sewage disposal facilities must be approved by the

Registered Sanitarian.

3. Department of Agriculture

The State Department of Agriculture had no objection to the subject permit request, but noted:

"As you know, the State is planning to establish an Agricultural Park makai of the Kona Palisades subdivision, but no conflict between the two projects is anticipated."

4. Department of Water Supply

"It is not anticipated that there will be any increase in the water usage since two existing lots are to be consolidated for this special permit application. At the time of the water service application, the applicant will be required to comply with our Rules and Regulations. Further, should any of the existing water systems be affected by this consolidation, the applicant will be responsible for all costs incurred for relocations or damages."

5. Department of Public Works

"The plan for the proposed pavilion that was submitted shows the structure on Lot 99 only. The parking driveway width should be a maximum of 36' wide instead of the continuous parking shown."

Other cooperating agencies, including the Hawaii Electric Light Company, Inc., U.S. Soil Conservation Service, and Department of Parks and Recreation had no objections to the subject permit request.

At the public hearing held by the Hawaii County Planning Commission on October 3, 1977, two representatives of the Kona Palisades Estates Community Association testified in support of the request. No one spoke in opposition to the permit request. For the Commission's information, the October 3, 1977, hearing transcript has been attached (County Exhibit P).

On October 27, 1977, the Planning Commission voted to recommend approval of the Special Permit to the Land Use Commission based upon the following findings:

- "1. That the proposed use will not adversely affect the surrounding properties. The surrounding lands are currently residential and vacant land uses. The subject parcels are within the Kona Palisades Subdivision, which was granted final subdivision approval in 1970, under the 'Grandfather' provisions of the Subdivision Code. Lot sizes range from 10,000 to 12,000 square feet. The proposed use, rather than adversely affecting

the surrounding lands, will complement residential land uses. The proposal for the recreational community center is in response to residential development in the Kona Palisades Estates Sub-division.

- "2. That the proposed use will not unreasonably burden public agencies in the provision of public utilities and facilities. None of the cooperating agencies had any objections to the subject request. All the essential services, including water, access, electricity, police and fire protection are currently available to the subject site. It is expected that the proposed community center will help alleviate the demand on other similar facilities in the Kona region.
- "3. That the land upon which the proposed use sought is largely unsuited for agricultural activity. The Land Study Bureau places the land in the 'Almost bare pahoehoe' soil series, this series contains no soil material and has been placed in the lowest classification, Class (E) or very poor, which indicates the low productivity of the soils. Although the climate at the subject site is well-suited for certain types of horticultural activities, such as the raising of flowers and nursery products, it is not anticipated that the proposed use will significantly detract from these agricultural activities.

In review of the subject request the State Department of Agriculture has stated, in part, that 'The Department of Agriculture has no objection to the subject special permit. 'As you know, the State is planning to establish an agricultural park makai of the Kona Palisades Subdivision, but no conflict between the two projects is anticipated.'

- "4. That the proposed use is not contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The Land Use Law and Regulations are intended 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 intent of the State Land Use Agricultural District is to protect lands with high capacity for agricultural productivity. However, this district also includes lands which are surrounded by or contiguous to agricultural lands but which are not suited for agricultural and ancillary activities by reason of topography, soils and other related characteristics. The subject

property has soils with low agricultural productivity. Further, as stated earlier, the property is located within the Kona Palisades Estates Subdivision and the proposed use comes in response to residential development in that subdivision. It is thus determined that the establishment of a recreational community center will be in the interest of promoting the public health and welfare, and not contrary to the objectives sought to be accomplished by the State Land Use Law.

Additionally, the proposed use will not initiate against the County General Plan or the Zoning Code. The recreation element of the General Plan calls for the provision of a wide variety of recreational opportunities for the residents of the County. Such recreational opportunities include in-door areas, such as the proposal under consideration, where groups of people may congregate. Further, the Zoning Code allows the establishment of community facilities in all zoned districts."

The favorable recommendation was subject to the following conditions:

- "1. That the consolidation of two (2) lots into one (1) lot be obtained should any buildings be proposed to cross the existing property line.
- "2. That in the layout of the off-street parking, access to individual parking stalls shall not be directly from the street, but must be reached from an on site access driveway.
- "3. That construction of the recreational community center start within one (1) year from the effective date of the Special Permit and shall be completed within two (2) years thereafter.
- "4. That all other applicable rules and regulations, including the Plan Approval process shall be complied with."

It was further stated by the Planning Commission that: "Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void."