



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKU
Director

DUANE KANUHA
Deputy Director

424

CERTIFIED MAIL

June 6, 1979

Mr. Manfred Cieslik
P. O. Box 1540
Kailua-Kona, HI 96740

Dear Mr. Cieslik:

Special Permit Application
Amend SMA Use Permit No. 17
TMK: 7-4-08:portion of 2



The Planning Commission at a duly advertised public hearing on May 31, 1979, discussed your requests for the following:

- a) To amend Special Management Area (SMA) Use Permit No. 17 by including a roller skating rink and the subdivision of a 3-acre area from a larger parcel.
- b) Application for a Special Permit to allow the establishment of a bowling center, roller skating rink, and a restaurant and bar complex within the State Land Use Agricultural District. Also requested through the Special Permit process is a variance to allow the creation of a three (3)-acre lot in lieu of the minimum building site area requirement of five (5) acres as stipulated within the Unplanned (U) zoned district.

The area involved is located mauka of the old Kona Airport complex, approximately 3,000 feet from the intersection of Kuakini Highway and Palani Road, Keahuolu, North Kona, Hawaii.

The Commission voted to deny both requests based on the following findings:

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That one (1) 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 types of uses proposed at this particular location, it is felt that the granting of this request would, in fact, be incongruous with the objective sought to be accomplished by the Land Use Law and Regulations, as well as the County General Plan.

Inasmuch as the proposed uses are commercial in nature, it should be pointed out that the granting of this particular request at its proposed location would also be in conflict with the Commercial element of the General Plan. One (1) of the specific courses of action for the Kona area is to centralize and contain commercial activities in existing or proposed commercial centers. The objectives of this course of action are to discourage "strip" or "scattered" commercial development and to promote the cluster concept utilized in designating commercial areas as well as to strengthen existing commercial cores.

Based on the above, it is felt that the granting of the subject request at its proposed location would undeniably extend the limits of the desired centralized commercial core of Kailua Village.

It is also undeniable that approval of this request in this particular area would create a situation wherein other lands in the immediate vicinity would be in a vulnerable position for similar action. It could also create an undesirable situation of a scatteration of commercial activities in the area. The further proliferation or scatteration of commercial-related activities may tend to debilitate the strong central commercial core of Kailua. 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.

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

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In this case, however, it is determined that there are no such unusual conditions to justify the granting of the proposed commercial-type activity in this particular location. It is not like certain other areas in the County where the development pattern for commercial or urban-type use 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.

Based on the above, it is determined that the establishment of the proposed use at the requested location does not meet the guidelines for granting a Special Permit and would be in conflict with the overall goals, policies and courses of action of the County's General Plan.

Additionally, we would like to note that requests of this nature are generally processed in accordance with the boundary amendment procedures. Special Permits are generally for areas where the development pattern is unsettled. In this area, however, the development pattern is clear.

The Commission would like it to be clearly noted that we are not adverse to the proposed uses and that we do not question the need for such recreational facility for the Kona area. Our primary concern is that of land use and the appropriateness of the proposed use at the requested location.

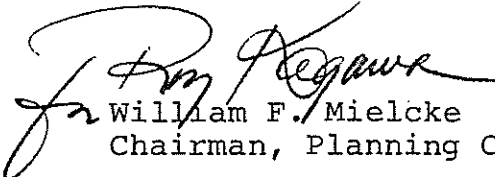
Based on the recommendation for the denial of the Special Permit request, the question of the minimum building site area requirement variance request would also be moot.

A denial by the Commission of the desired use shall be appealable to the Circuit Court in which the land is situated and shall be made pursuant to the Hawaii Rules of Civil Procedure.

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Should there be further questions on this matter, please do not hesitate to call or write us.

Sincerely,

A handwritten signature in cursive script, appearing to read "W. F. Mielcke".

William F. Mielcke
Chairman, Planning Commission

lgv

cc Mr. Earl Gould, Liliuokalani Trust
State Land Use Commission
Land Use Division, DPED
Kona Service Office