

July 17, 1979

CERTIFIED MAIL

Ms. Faye Matsunami
P. O. Box 237
Pepeekeo, HI 96783

Dear Ms. Matsunami:

Special Permit Application
Tax Map Key 2-8-7:44

The Planning Commission at a duly advertised public hearing on July 12, 1979, discussed your request for a special permit in accordance with Chapter 205-6, Hawaii Revised Statutes, as amended, to allow the establishment of a beauty shop on 13,210 square feet of land situated within the State Land Use Agricultural District. The property involved is located along the mauka side of the Old Mamalahoa Highway, adjacent to the Kulaimano Housing Project, approximately 1,800 feet Hamakua side of the Old Mamalahoa Highway-Pepeekeo Street junction, Pepeekeo, South Hilo, Hawaii.

The Commission voted to deny the special permit based on the following findings:

That the approval of the subject request would not be consistent with the objectives sought to be accomplished by the State Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect and encourage the development of lands within the State for those uses to which these lands are best suited in the interest of public health and welfare of the people of the State of Hawaii.

The subject property consists of 13,210 square feet of land area and is adjacent to the Kulaimano Subdivision. When the adjoining portion of Kulaimano is developed the subject property will have the same

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essential character as that portion of the subdivision, namely single family residential. Given the continuity character it would be reasonable to examine the subject request as part of the Kulaimano Subdivision itself.

The Kulaimano Subdivision is a planned community which contains a mixture of housing types together with areas for community recreational and commercial services. There are 8.7 acres of vacant Village Commercial land situated within the Kulaimano development. This land area, which is centrally located, has been set aside to fulfill the basic convenience services such as barber shops and beauty shops. Thus, in overall terms there already is adequate land area available in existing zoned areas to supply the type of service being proposed for the subject property.

Further, the access to the subject property is currently hazardous. The property involved is located along the Old Mamalahoa Highway. Between the makai portions of the existing Kulaimano Subdivision and the subject property the Old Mamalahoa Highway has a zig-zag section within which there is a one (1) lane bridge. This combination of a narrow bridge and poor vehicular sighting distance creates a traffic hazard along which much of the traffic to the proposed beauty shop would likely travel. Thus, should the requested use be established at the subject property increasing usage of this section of the Old Mamalahoa Highway would be encouraged. Such an outcome would be contrary to the public safety and welfare.

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 Civic Procedure.

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

Sincerely,

William F. Mielcke
Chairman, Planning Commission

smn

cc: State Land Use Commission
Land Use Division, DPED