

October 22, 1979

CERTIFIED MAIL

Mrs. Ruth Thompson
Star Route 7-A
Captain Cook, HI 96704

Dear Mrs. Thompson:

Special Permit Application
TMK: 8-8-03:Portion of 3, Lot 5

The Planning Commission at its continued public hearing on October 11, 1979, considered your application for a Special Permit to allow the establishment of an agricultural park which will include the retail and wholesale distribution of plants and birds, snack shop facility, and a limited medical facility on 6.47 acres of land situated within the State Land Use Agricultural District at Papa Iki, South Kona, Hawaii.

The Commission voted to approve the establishment of an agricultural park, retail and wholesale distribution of plants and birds, and a snack shop facility on your application, effective October 11, 1979, subject to the following conditions:

1. That the petitioner or his authorized representative submit plans and receive final plan approval within one (1) year from the effective date of approval of the Special Permit.
2. That construction of the proposed facilities commence within one (1) year from the date of receipt of final plan approval and be completed within two (2) years thereafter.
3. That the sale of plants and birds shall be limited to only those which were grown or raised on the subject property. The bird shop, however, may sell bird-related accessories, such as bird seeds, etc.

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4. That the plant and bird shop and the snack shop shall not be in operation until the agricultural park (plants and bird raising activities) has been established.
5. That access to the proposed development shall be from the 50-foot wide subdivision road (Papalani Place) meeting the approval of the Department of Public Works. No access shall be allowed from the Mamalahoa Highway.
6. That the proposed plant and bird shop, and the snack shop shall be set back a minimum of 30 feet from all property lines in accordance with the minimum setback requirements as established in the Zoning Code for an Unplanned (U) zoned district, and that the proposed aviaries be set back a minimum of 50 feet from the Mamalahoa Highway and 100 feet from all other property lines.
7. That all other applicable rules, regulations, and requirements, including those of the State Department of Health, shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void by the Planning Commission.

The Commission voted to deny your request for a limited medical facility based on the following findings:

Such a facility is not warranted at this location at this particular time. Further, the petitioner has not truly justified the need for such a facility in the area. The petitioner merely stated that, "The facility is essentially to provide the necessary medical and dental services to the surrounding residents."

Although this area includes several non-conforming subdivisions, there are relatively few single family dwellings constructed to date. According to the Planning Department's land use tabulation (structural) as of September 1978, within a radius of approximately six (6) inches from the subject property, there are approximately eighty (80) single family dwellings. Based on a density of 3.2 persons per unit, the population would be about 250 people. Although there are no statistics readily available regarding the ratio of doctor to population, it is determined that based on the present population for the area, such a medical facility is not warranted. There really is no strong basis or need to provide this proposed use in this area at this particular time.

Furthermore, unlike the proposed plant and bird shop and the snack shop which has a direct relationship to the concept of the proposed agricultural park, it is determined that the proposed

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medical facility is not necessarily compatible or similar in nature nor would it be compatible with the surrounding lands since a number of these are still in active agricultural uses. Therefore, it is felt that the granting of this particular request would, in fact, be incongruous to the basic intent of the agricultural park, the objectives sought to be accomplished by the State Land Use Law and Regulations, and the County General Plan.

It is felt that the introduction of the proposed medical facility through the Special Permit process for this particular location at this particular time may create an undesirable situation wherein other lands through this section of the South Kona District would be in a vulnerable position for similar actions.

It would definitely create an undesirable situation of a scatteration of urban/commercial and office type activities in the area through the Special Permit process. The proliferation or scatteration of such activities may tend to debilitate the potential for a centralized urban area in the future in this general area of South Kona. As such, it is felt that, in this particular case, the area's needs would not necessarily be better served with the proposed use being situated at the requested location. It could also foster other commercial-type uses to be established on the subject property.

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.

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

Sincerely,

/s/ROY KAGAWA

for William F. Mielcke, Chairman
Planning Commission

smn

cc: State Land Use Commission
Land Use Division, DPED
Kona Services Office
Mr. Richard Ishida
bcc: Masa's Division