

CERTIFIED MAIL

October 19, 1979

Dr. Michael Jones
P. O. Box 3049
Kailua-Kona, Hawaii 96740

Dear Dr. Jones:

Special Permit Application
Tax Map Key 7-3-18:33

The Planning Commission at a duly advertised public hearing on October 11, 1979, discussed your special permit in accordance with Chapter 205-6 Hawaii Revised Statutes and Rule 6 of the Planning Commission, to allow the establishment of a dental office within an existing dwelling situated within the State Land Use Agricultural District at Kona Pono Subdivision, Kohalaiki, North Kona, Hawaii.

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

That one (1) of the guidelines for reviewing a request for a Special Permit is that the proposed 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 type of use proposed for this particular location, it is felt that the granting of this particular request would in fact be incongruous with the objectives sought to be accomplished by the Land Use Law and Regulations, as well as the County General Plan. The primary land use designation on the General Plan (GP) Land Use Pattern Allocation Guide (LUPAG) Map is Orchards. However, the GP also recognizes the area for some form of Alternate Urban in the future. The GP LUPAG Maps basically

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depict broad land use categories in certain patterns. They are used to guide the directions of future developments in a coordinated and rational manner, by indicating the general location of categories of land use in relation to each other. Although the LUPAG Map suggests this particular area for Alternative Urban Expansion, it is felt that from a specific land use standpoint, the proposed use is not appropriate at its particular location.

It is also undeniable that approval of this particular request at its requested location could create a situation wherein other lands through this section of the North Kona District would be in a vulnerable position for similar actions. It would definitely create an undesirable situation of a scatteration of urban/commercial activities in the area through the Special Permit process. The further proliferation or scatteration of such activities may tend to debilitate the potential for a centralized urban area for the future in this general area of Kona. As such, it is felt that, in this particular case, the area's needs would not necessarily be better served with the proposed uses being situated at the requested location.

Further, inasmuch as the proposed use is commercial in nature, it should be pointed out that the granting of this particular request may also conflict with the Commercial Element of the General Plan. One (1) of the stated policies in the General Plan is to discourage "strip" commercial developments and to promote the cluster concept utilized in designing commercial areas. Since there presently is no establishing commercial core in this section of Kona, unless proper planning is done, it is quite possible that the granting of this particular Special Permit request would create a "strip" or "strung out" development in this area. Preferably, from a land use perspective, it would be a definite benefit to concentrate these types of commercial and commercially-related activities in given locations.

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 use in that area. Although the urban potential for this particular area is very real, we do not, however, envision such commercial-type uses in this particular

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location at this particular time, especially since the adjacent lots within the Kona Pono Subdivision are basically only 8,000+ square feet in size and would not be conducive for future commercial development.

Furthermore, it is felt that the existing Lihau Street is not fully adequate to accommodate this increase in traffic which will be generated by the proposed use. Although Lihau Street is a County road, it is substandard by today's standards. In areas such as these, the minimum County dedicable standard roadways must have a minimum right-of-way of fifty (50) feet with a 20-foot wide pavement. Lihau Street only has a 40-foot right-of-way with a 16-foot wide pavement. Should this particular request be granted, this roadway will not only provide access to the potential clients of the dental operation, but to the existing lots and dwellings in the area as well. Therefore, under present circumstances, it is felt that the granting of the subject request will only further aggravate the existing traffic situation.

As stated earlier, the Commission would like to clearly note that we are not adverse to the proposed use and that we do not question the need for such facility for the Kona area. However, our primary concern is that of land use and the appropriateness of the proposed use at the requested location.

It should be pointed out that we will be conducting a study for the Kona area very shortly under a HUD "701" Planning Grant. At that time, we will seriously look at this section of Kona and possibly identify a future commercial center or core to accommodate the needs of the people in the area.

A denial by the Commission of the desire 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 feel free to call or write us.

Sincerely,

/s/ROY KAGAWA

FOR William F. Mielcke
Chairman, Planning Commission

lgv

cc State Land Use Commission
Land Use Division, DPED
Kona Services Office