

CERTIFIED MAIL

October 22, 1985

Mr. Jack Sims
P. O. Box 57
Keaau, HI 96749

Dear Mr. Sims:

Special Permit Application (85-26)
Petitioner: Jack Sims
Tax Map Key: 1-5-7:21

The Planning Commission at a duly advertised public hearing on October 15, 1985, considered your request for a special permit in accordance with Chapter 205-6, Hawaii Revised Statutes, and Rule 6 of the Planning Commission, to allow the establishment of a general merchandise market and a restaurant on 1.7 acres of land situated within the State Land Use Agricultural District at Keonepoko Homesteads, Pahoia, Puna, Hawaii.

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

The approval of the subject request would be contrary to the intent of the State Land Use Law and Regulations which is to preserve, protect and encourage the development of lands in 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. Consistent with this broad intent the County of Hawaii adopted the General Plan in 1971, and subsequently amended the Plan in 1979.

The General Plan's Land Use Pattern Allocation Guide map designates the area from the Pahoia Post office to Paul's Repair Shop as the "Commercial Core" of this area. The subject property is located approximately 3/4 mile from this core area.

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 as stated previously. The proposal is for an urban type use to be situated outside of the designated commercial core of Pahoia, yet within very close proximity to this area. The granting of a commercial activity outside of the existing commercial core of Pahoia would have land use

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implications and conflicts that may produce negative effects on the area and surrounding properties, if not planned for. In certain instances, a proposed urban type use within an unimproved area may be justifiable because of its location, need, etc. However, its justification must ensure that the considerations of land use pattern, compatibility with adjacent land uses, General Plan goals, policies and courses of action are evaluated before committing an area with such a use. It has been determined that in this particular situation there is no adequate justification for the approval of such a request.

The Commercial Element of the General Plan states as a policy that the "Distribution of commercial areas shall be such as to best meet the demands of neighborhood, community and regional needs." In considering commercial development the General Plan includes four (4) basic types or levels of services: regional, community, neighborhood centers, and neighborhood convenience stores.

By virtue of its proposed location along the main thoroughfare between Keaau and Pahoa the subject request would capture some of the trade that would otherwise flow to the existing commercial areas. The provision of such a community-wide service at this particular location would thus be contrary to the continued growth and development of the designated urban centers of Keaau and Pahoa.

On a regional basis the commercial facilities in the City of Hilo provide a wide range of consumer goods for most of the island, including the Puna district. On a community level the existing Keaau and Pahoa village centers provide a lesser level of service for the lower Puna district. For this particular region these village centers have been designated as the urban service centers as reflected by their General Plan Land Use Pattern Allocation Guide Map Medium Density Urban designations. These two (2) villages provide a range of services including, but not limited to service stations, financial institutions, fast food operations, a bakery, convenience food, general merchandise, various specialty shops, schools, and post offices.

Should the subject request be approved at the proposed location, the community-wide trade that may otherwise flow to Keaau and Pahoa would be lessened.

We would like to emphasize that the denial of the subject request is based primarily on locational considerations. There may be adequate demand in this area to support a commercial activity now. However, should such a demand exist from a land use standpoint, this type of use would be more suitably located

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within the existing and defined "commercial core" or within one of the large subdivisions. If the commercial activity is intended to serve a community wide market, the appropriate location would be within the established "commercial core" of Pahoia. On the other hand, if the commercial activity is intended to serve as a neighborhood convenience facility, it would more suitably be located within the interior sections of a subdivision where its clientele would be more oriented toward the neighborhood residents.

Further, the approval of the request would encourage other developments to occur along this portion of the Puna Road. Such a pattern would create a strip development along this section of the highway, reducing the efficiency of the roadway, retarding the development of the designated urban center, and creating a strung out and inefficient commercial pattern.

The Planning Commission would like to reiterate that this denial does not imply that there is no need for Commercial activity in the Pahoia area. However, based on the guidelines for granting a special permit, the Planning Commission finds that the request is inconsistent with the criteria and should be denied.

Based on the foregoing, we have determined that the granting of the request at this location will not promote the effectiveness and objectives of Chapter 205 and would not be in the best interest of the public health and welfare of the people of the State of Hawaii, in this particular case, the residents of the Puna District.

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 feel free to contact the Planning Department at 961-8288.

Sincerely,

Barbara A. Koi

Barbara A. Koi
Chairman Pro Tem, Planning Commission

cc: State Land Use Commission
Corporation Counsel
Department of Public Works

bcc: Plan Approval Section