

CERTIFIED MAIL

October 1, 1987

Mr. Robert Jones
P. O. Box 5611
Kailua-Kona, HI 96745

Dear Mr. Jones:

Special Permit Application (87-5)
TMK: 1-1-20:87

The Planning Commission at a duly advertised public hearing on September 23, 1987, 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 neighborhood convenience store on 1.1 acres of land situated within the State Land Use Agricultural District at Fern Forest Vacation Estates Subdivision, Kaaau, 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 development of lands in the State for those uses which they 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 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

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regional needs." In considering commercial development the General Plan includes four basic levels of service: regional, community, neighborhood centers and neighborhood convenience stores.

By virtue of its proposed location along the main thoroughfare between Hilo and Volcano the subject request would have the potential to capture some of the trade that would otherwise flow to the existing commercial areas. The provision of community wide service at this particular location would be contrary to the continued growth and development of the designated urban center at Volcano Village.

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 Volcano Village provides a lesser level of service for the Volcano area. For this particular region, the Volcano Village has been designated as the urban service center as reflected by the General Plan Land Use Pattern Allocation Guide Map Medium Density Urban designation. The Volcano Village area provides a range of services including, but not limited to, service station, fast food operation, general merchandise, and post office.

It should be further noted that another convenience store, existing under the non-conforming use provision of the zoning code, is situated less than 3 miles east of the subject property along the Volcano Highway. As such, approval of the subject request would encourage other developments to occur along this section of the Volcano Highway where they may tap the heavy traffic flow. Such a pattern would create a strip commercial 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. This potential outcome would place an unnecessary burden on the highway facility. Additional attractions along the highway would tend to induce more turning movements, slow traffic down, and create additional traffic conflicts between turning movements and on-coming traffic.

We would like to emphasize that this denial recommendation is based primarily on locational considerations. There may be adequate demand in this area to support the proposed convenience store. From a land use standpoint, if the commercial activity

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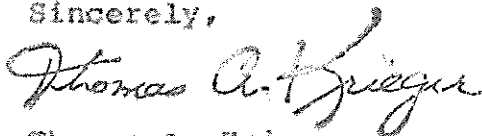
is intended to capture a community wide market, the appropriate location would be within the established "commercial core" of Volcano Village. On the other hand, if the commercial activity is intended to serve as a neighborhood convenience facility, it would more suitably be located within the interior sections of a subdivision where its clientele would be more oriented toward the neighborhood residents.

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 Volcano area.

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 Procedures.

Should there be further questions on this matter, please feel free to contact the Planning Department at 961-8288.

Sincerely,



Thomas A. Krieger
Chairman, Planning Commission

cc: State Land Use Commission
Corporation Counsel

bcc: Plan Approval Section