



Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

March 11, 1992

Mr. Don Seaton, President
Greenhouse Specialists, Inc.
SR 6433
Keaau, HI 96749

Dear Mr. Seaton:

Special Permit Application
Applicant: Greenhouse Specialists, Inc.
Establishment of Warehouse/Office for Greenhouse Supplies
and Related Improvements
TMK: 1-6-9:233

The Planning Commission at a duly advertised public hearing on February 27, 1992, 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 warehouse/office for greenhouse supplies and related improvements on 1.08 acres of land situated within the State Land Use Agricultural District. The property is located in the Orchidland Estates Subdivision on the south side of the Pahoa Government Road approximately 0.5 mile east (Pahoa direction) of the Pahoa Government Road-Auli'i Street intersection, Keaau, Puna, Hawaii.

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

The proposed use does not meet the criteria for which the Planning Commission may approve a Special Permit. The Planning Commission rules state:

"The Planning Commission shall not approve a Special Permit unless it is found that the proposed use:

- a. Is an unusual and reasonable use of land situated within the Agricultural or Rural District, whichever the case may be; and

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- b. Would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended.

The Planning Commission shall also consider the criteria listed under Section 6.3(b)(5)(A) through (G) (of Rule 6, Planning Commission Rules)."

While a proposed use must meet all of these criteria for approval by the Planning Commission, a denial may be made upon a finding of conflict with any of those criteria.

The proposed use will not promote the effectiveness and objectives of Chapter 205, H.R.S., as amended. Through the passage of Chapter 205, H.R.S., known as the Land Use Law, the State Land Use Commission was established. It called for classification of all lands in the State and authorized the adoption of rules of practice and procedure and regulations for land use within the various land use districts. The four land use districts created by the State Land Use Commission, Agricultural, Rural, Urban and Conservation, provide the basic legal framework of land uses in the State of Hawaii and help implement the long-range land use objectives of the State and Counties. The intent of these statutory provisions is to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people in Hawaii.

At the County level, these broader statewide objectives are articulated through the County General Plan. In that respect, consistency with the goals, objectives and policies of the General Plan will also promote the effectiveness and objectives of Chapter 205, HRS.

It is felt that the granting of this particular request at this particular location would, in fact, be inconsistent with the objectives to be sought to be accomplished by the Land Use Law and Regulations as well as the County General Plan. A goal of the General Plan states that the County shall "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments" while maintaining a policy to "...encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment."

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Within this particular section of the Puna District, the Planning Commission had approved a Special Permit in 1984 to allow the establishment of a Wiki Wiki Mart convenience store on a site located off of the Pahoia Government Road along Orchid Land Drive. The approval of an amendment to the Special Permit in 1990 to allow the expansion of services to include a general store, laundromat, post office, and other similar activities, have solidified this area within the Orchidland Estates Subdivision as the commercial core for this section of Puna. While this denial recommendation does not imply that the proposed warehouse/office facility is not needed or inappropriate within this particular region, it is felt that it would be inappropriate at its specific location. Access to the property will be via the Pahoia Government Road, which has a pavement width of 24 feet within an 80-foot right-of-way. This stretch of roadway has seen dramatic increases in traffic over the years, given that this roadway provides direct access to Pahoia, Kapoho, and numerous large subdivisions within the Puna District. While the applicant states that the facility would attract only 5 to 6 "drive-in" customers per day, approval of this request would create a situation where other parcels along the Pahoia Government Road would be vulnerable to similar actions. This would create a regressive situation through the Special Permit process in which the proliferation of similar activities along this roadway would reduce its carrying capacity. By locating such traffic-generating activities along interior subdivision roadways, such as the Orchidland Estates convenience center, it would allow for the future channelization and signalization of these intersections with the Pahoia Government Road and the control of turning movements so as not to reduce the carrying capacity of a roadway already recognized as being congested.

Another reason for this denial recommendation, however, is based upon the principals of establishing effective land use patterns. It is felt that the introduction of the proposed retail and commercial-type use through the Special Permit process for the subject property would create an undesirable situation where other parcels along the Pahoia Government Road would be vulnerable to similar actions, thereby creating an undesirable strip commercial development. The further proliferation of such activities along the Pahoia Government Road corridor will tend to debilitate the potential for a centralized urban area like that being established within the Orchidland

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Estates convenience center along Orchid Land Drive. From a land use standpoint, if such commercial activity is intended to capture a regional or neighborhood market, then such activity would be more appropriately located within the commercial core being established along Orchid Land Drive. As such, it is felt that the area's needs and welfare would not necessarily be better served with the proposed use at its present location.

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 Daryn Arai of the Planning Department at 961-8288.

Sincerely,

Mike Luce

Mike Luce, Chairman
Planning Commission

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jdk

xc: Mayor
Planning Director
State Land Use Commission
Corporation Counsel
Department of Transportation
Plan Approval Section