



Planning Commission

STEPHEN K. YAMASHIRO
Mayor

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

CERTIFIED MAIL

March 3, 1993

Samuel M. Ruben, M.D.
PO Box 1658
Hilo, HI 96721

Dear Dr. Ruben:

Special Permit No. 837
Applicant: Samuel M. Ruben, M.D.
Request: Establish A Medical Office in a Residence
Tax Map Key: 2-6-10:11

The Planning Commission at a duly advertised public hearing on February 25, 1993, 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 medical office for doing insurance physical exams and workers' compensation disability ratings at your residence situated in the State Land Use Agricultural District. The project site consists of approximately 9.599 acres located off of north (Hamakua) side of Kaiwika Road approximately 4 miles mauka of its intersection with Wainaku Avenue, Kaiwika Homesteads, South Hilo, Hawaii.

The Commission voted to deny the Special Permit based on the following findings:

The desired use will unreasonably burden public agencies to provide roadway and safety protection improvements. Access from Kaiwika Road to the project site would occur over a Governmental Homestead Road for a distance of approximately 4,700 feet. Approximately 1,400 feet of this roadway is gravel with a width of only 11 feet. As in previous applications for non-residential uses, applicants were required to provide necessary roadway improvements to ensure a minimum pavement width which would accommodate two-way traffic. However, to require the applicant to provide such improvements over a distance of 1,400 feet would be financially prohibitive and unreasonable.

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The establishment of a medical office in an area serviced by inadequate access is not consistent with the Zoning Code or the General Plan. The purpose of the Zoning Code is to regulate the use of land for the purpose of promoting the safety and general welfare of the community. A goal of the Land Use Element of the General Plan is to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County". The proposed medical office use is not an appropriate use of property in this particular area due to the substandard access. The increase in traffic resulting from the increased use of this substandard roadway would adversely affect surrounding property owners by accelerating deterioration of the gravel roadway and increasing traffic hazards to roadway users. The Commission would be remissed in its duties were it to approve such a use which would attract traffic along such inadequate, and possibly hazardous, roadways.

This denial is also based on the potential cumulative impact of similar requests along this portion of the Governmental Homestead Road, should this Special Permit be approved. The proliferation of non-residential/agricultural uses along this substandard roadway would eliminate planning options available to the County to ensure the safety and well-being of its residents.

While the County is supportive of providing the general public with adequate accessibility to medical services, such services should be located within an area easily accessible by the general public. The services proposed by the applicant is not specific to the needs of residents in the immediate area. Approval of this request would require the general public to travel a minimum of 4 miles over winding, and partially unimproved, roadways, to an area far removed from the commercial center of Hilo. Therefore, approval of this request would not be a reasonable use of land within the Agricultural 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.

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Should there be further questions on this matter, please feel free to contact Rodney Nakano or Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

RKN:jdk
LRuben01.PC

xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
State Land Use Commission
Corporation Counsel
Plan Approval Section