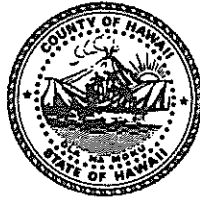


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL
Z 095 324 021

JUN 26 1998

Mr. Sidney Fuke
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

Special Permit Application (SPP 98-9)
Applicant: Charles Adams
Request: Development of a Mini-Storage Facility, Office/Residence
and Related Improvements
Tax Map Key: 7-6-24:34

The Planning Commission at its duly held public hearing on June 19, 1998, voted to approve the above-referenced application. Special Permit No. 1003 is hereby issued to allow the development of a mini-storage facility, office/residence and related improvements on approximately 3.83 acres of land in the State Land Use Agricultural District. The property is located between the Hawaii Belt Road (Queen Ka'ahumanu Highway Extension) and Kailua-Keauhou Road, approximately 480 feet north of the Hawaii Belt Highway Extension-Kuakini Highway junction, Holualoa 1st and 2nd, North Kona, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended 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 of the State of Hawaii. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The Land Study Bureau's Detailed Land Classification System classifies the site "E" or very poor from an agricultural resource perspective. The soil is of the A'a clinkers series. This series characterized by properties with little or no soil material and light brown to nearly black A'a. It is excessively drained and unsuited for machine tillability.

The U.S.D.A. Soil Conservation Service's Soil Survey Report classifies soils of the property as being of the Punalu'u series (rPYD). This type of soil is characterized by extremely rock peat; 6 to 10 percent slopes; well-drained, thin organic soils over

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pahoehoe lava bedrock. In a representative profile, the surface layer is black peat about four (4) inches thick. The peat is rapidly permeable. The pahoehoe lava is very slowly permeable, although water moves rapidly through the cracks. Runoff is slow, and the erosion hazard is slight.

The property is unclassified by the Department of Agriculture's ALISH Map. This classification suggests that the site has a poor to very poor productivity potential for most agricultural uses purposes. The proposed use would not displace any agricultural activity nor diminish the agricultural potential of the area, which as seen very little in the way of intensive agricultural activities in many areas. Due to the extensive alteration of the project site by previous grading activities, significant historical sites or features and the presence of endangered species of plants or animals are not anticipated to be located within the subject property. No historic sites were present on the parcel. The proposed action will not have any effect on significant historic sites. Nevertheless, a condition will be included to require the notification of the Planning Department should archaeological sites be encountered during the course of development.

Given those characteristics, the soils are not really suitable for intensive agriculture. It has been deemed suitable for recreational and residential. Therefore, the proposed use would not be contrary to the objectives of the State Land Use Law for Agricultural district.

The desired use will not adversely affect the surrounding properties. The proposed project site is located near the crossroads of two (2) major highways. It is also adjacent to an electric substation, as well as the back of a commercial complex. The Kuakini Makai residential subdivision is located makai of the Kuakini Highway and the commercial complex. The rest of the adjoining properties are vacant. Although some of the lots within the Kuakini Makai Subdivision fall within the five hundred (500) radius of the perimeter of this site, the existing commercial uses and the Kuakini Highway serve as effective visual and functional buffers. The requested uses are thus not incongruous with the existing and evolving land use pattern in the area. It is also benign to be near residential areas, yet appropriate for an area where residences may not be. The proposed use is quiet, non-polluting and geared to provide needed short-term and long-term secured storage needs for residents in the area. The applicant also plans to have the building and roof color consistent with the neighboring commercial complex. Further, rather than having the conventional chain-link fence, the applicant intends to construct some sort of a decorative fence around the property. Extensive landscaping around the perimeter of the site is also being planned to minimize the project's visual impacts.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage, police and fire protection. The site is sandwiched between the Hawaii Belt Highway and the old Kailua-Keauhou Road. The Belt Highway in this area has a right-of-way of one hundred sixty feet (160), with a pavement width of 24+ feet and improved shoulders. The Kailua-Keauhou Road has a right-of-way of approximately forty (40) feet with 14-16 foot wide pavement. However, because of its disuse, it is overgrown between its intersection with Kuakini Highway and the proposed access to the site. This road will serve as the only legal access to the site. All essential services are available as the project site.

The use will not substantially alter or change the essential character of the land and the present use. The character of the land will be changed. The land is vacant, and as a result, any use of the site would amount to a change. However, given the existing Agricultural (A-5a) zoning, a residence and farm structures could be erected on the subject site. The requested uses will involve structures that would not generally be significantly different in terms of height, material, and scale that what is normally allowed under the Agricultural zoning. Overall, the proposed uses should not substantially alter or change the potential visual character of the use of the land. If anything, it should be more benign, as the less than single-story structures, with the landscaping, should help mitigate potential visual impacts.

The land upon which the proposed use is sought is not unsuitable for the uses permitted within the district. As previously mentioned, soils within the project sites are very poorly suitable for many types of agriculture. The limited nature of the request and the land area it will occupy will not adversely affect permitted uses located within adjoining areas.

The proposed use is not contrary to the General Plan. The proposed project would not be inconsistent with the General Plan. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for Low Density Urban. Low Density Urban Development, allows for single family residential in character, ancillary community and public uses and convenience type commercial uses. It should be noted that the adjoining commercially zoned property was redesignated into the Medium Density Urban in 1991. However, the surrounding uses and the proximity to the Belt Highway may not lend the site suitable for residential uses. The request is consistent with the Land Use element of the General Plan which is to *"Designate and allocate lands in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and to "...encourage the development and maintenance of the communities meeting the needs of its residents in balance with the physical and social environment."*

Based on the above considerations, the proposed mini-storage facility, office/residence and related improvements is considered an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

Approval of this request is subject to the following conditions. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate revocation of this permit.

- A. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The facility and related improvements shall be established within five (5) years from the effective date of this permit. Prior to the establishment of this use, Final Plan Approval shall be secured from the Planning Director. Landscaping and lighting systems shall also be indicated on the plans and be provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties. Landscaping along the project site's boundaries shall be provided to the extent that a continuous, unbroken, heavy planting screen, including canopy trees, no

less than 5 feet in height, is established prior to the issuance of a certificate of occupancy. Earth tone paint color samples shall be submitted for Final Plan Approval. The applicants, successors or assigns shall notify the Planning Department in writing of the completion of required improvements prior to the establishment of this use.

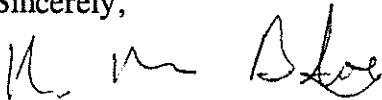
- C. Driveway access from and any improvements within the Kailua-Keauhou Road and at its intersection with Kuakini Highway shall be constructed meeting with the requirements and approval of the Department of Public Works.
- D. Should any improvements be proposed within the flood zone, a flood study shall be submitted to the Department of Public Works.
- E. Comply with all other laws, rules, regulations and requirements, including those of the Department of Health, Fire Department, Department of Water Supply, and Department of Public Works.
- F. Any request to amend conditions of this Special Permit shall be forwarded to the Planning Commission pursuant to Rule 6.8 of the Planning Commission's Rules of Practice and Procedure.
- G. Upon compliance with all conditions of approval and prior to the start of the operation, the applicant shall provide in writing, a final status report to the Planning Director.
- H. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
- I. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
 - 1. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors or assigns, and that are not the result of their fault or negligence.
 - 2. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
 - 3. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
 - 4. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

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This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please contact Alice Kawaha of the Planning Department at 961-8288 or Royden Yamasato of the Planning Department West Hawaii Office at 327-3510.

Sincerely,



Kevin M. Balog, Chairman
Planning Commission

LAdams01.PC

cc: Mr. Charles Adams
Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
State Land Use Commission
Department of Land & Natural Resources
Kazu Hayashida, Director/DOT-Highways, Honolulu