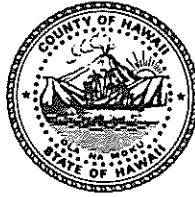


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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CERTIFIED MAIL

Z 095 324 393

DEC 07 1998

Steven S. C. Lim, Esq.
Carlsmith Ball
121 Waiuanuenue Avenue
Hilo, HI 96720

Dear Mr. Lim:

Special Permit Application (SPP 98-17)
Applicants: John and Jeanne Vurich
Request: Establish a Self-Storage Facility
Tax Map Key: 1-5-46:91

Although the Planning Director recommended that the proposed development be denied, the Planning Commission at its duly held public hearing on November 20, 1998, voted to approve the above-referenced application. The Planning Commission's position is that the proposed request does meet the criteria for a Special Permit and that due to the subject property location, it is in keeping with the general overview of the Hawaiian Paradise Park Master Plan. Special Permit No. 1015 is hereby issued to allow the development of a self-storage facility, with gated entry, perimeter chain link fencing and landscaping on approximately one acre of land in the Agricultural (A-1a) district. The property is located in Hawaiian Paradise Park at the western corner of Kaloli Drive and Kukui Street (13th Avenue), Keaau, Puna, Hawaii.

Approval of the request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes (HRS), as amended. The State Land Use Law Rules 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

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or keep lands of high agricultural potential in agricultural use. The Land Study Bureau's Detailed Land Classification System classifies the site as "E" or very poor and the property is unclassified according to the ALISH Map. The U.S.D.A. Soil Conservation Service's Soil Survey Report classifies soils of the property as being "rLV" or "Lava Flows, A'a", which is a miscellaneous land type. This lava is rough and broken, has practically no soil covering and is bare of vegetation, except for mosses, lichens, ferns and a few small ohia trees. The subject property is vacant and presently not in agricultural use and would not have an adverse effect on the County's agricultural land inventory. Therefore, the establishment of the proposed use would not be contrary to the objectives of Chapter 205, HRS, as amended.

The proposed use is not contrary to the General Plan. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area as "Orchards." Although the request is not proposed to be located on the 20-acre parcel set aside for light industrial use in accordance with the Hawaiian Paradise Park Master Plan, it is located on the corner of Kaloli Drive/13th Street, northwest and directly across the 20-acre parcel designated for light industrial. The request meets with the general overview of the Hawaiian Paradise Park Master Plan.

The request is not contrary to the goals, policies and standards of the General Plan. The approval of the subject request would support the following goals of the General Plan:

Land Use Element:

- * Designate and allocate land uses in appropriate proportions and mix in keeping with the social, cultural, and physical environments of the County.
- * The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

Economic Element:

- * Provide residents with opportunities to improve their quality of life.
- * The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.

- * The County of Hawaii shall strive for an economic climate which provides its residents an opportunity for choice of occupation.

The desired use will not adversely affect the surrounding properties. The uses of the surrounding area are predominantly undeveloped with scattered residential dwellings. The proposed self-storage facility will have a hi-tech gate and access control security system, and not anticipated to have any noise impacts that would adversely impact surrounding neighbors. A six-foot high chain link fence and perimeter landscaping is proposed to minimize any visual impacts. In addition, the applicants will be required to have controlled lighting so as not to impact adjacent residents.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, school improvements, and police and fire protection. Access to the project is taken off 13th Avenue, which is a gravel road that intersects with Kaloli Drive, which is paved. Both Kaloli Drive and 13th Avenue are privately owned and maintained by the Paradise Hui Hanalike Corporation. It is anticipated the self-storage facility will be used to provide short-term and long-term secured storage needs for residents within the area so as not to create a major impact on traffic. All other essential services are available at 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, with the proposed fencing, landscaping and controlled lighting should help mitigate potential visual impacts.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The Puna District has been one of the largest growth areas on the island. The County of Hawaii Data Book 1994, shows a population of 11,751 in 1980 and a population of 20,781 in 1990. This is an approximate 76% increase in 10 years. The Special Permit in the Agricultural district provides the means in which to allow uses that are not normally permitted in this district.

Although the land upon which the proposed use is sought is not unsuitable for the uses permitted within the district, as mentioned, the soil within the subject property is classified as "E" or Very Poor for agricultural productivity and unclassified by the ALISH Map. Although agricultural activity could take place, the parcel is not actively being used for agricultural activity. Furthermore, the Special Permit process, established by legislation, allows for other uses to be established for which the district is classified, provided the objectives of Chapter 205, HRS, are promoted.

Based on the above conditions, the proposed self-storage facility 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 within a timely fashion, the Director may initiate revocation of this permit.

- A. The applicants, its successor and assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The initial phase of the self-storage facility and perimeter fencing and landscaping shall be established within two years from the date of approval of this Special Permit. This time period shall include the securing of Final Plan Approval for the retail phase of proposed development from the Planning Department. Plans shall identify existing and proposed structures, controlled lighting, fire protection measures, driveway and paving stalls and landscaping associated with the proposed uses. Parking for all functions shall be maintained on the subject property. Detailed landscaping plans shall include landscaping and buffers along the property boundaries. Final Plan Approval shall also be secured for all subsequent phases.
- C. Any exterior signs shall meet with the approval of the Department of Public Works.
- D. The hours of operation shall be limited to Monday through Sunday, 8:00 a.m. to 6:00 p.m.
- E. The applicants shall comply with applicable laws, rules and regulations of State and County agencies for this proposed use.
- F. Upon compliance with all conditions of approval and in conjunction with the application for a certificate of occupancy, and prior to the opening of the first phase of the self storage facility, the applicants shall submit a final status report, in writing, to the Planning Director.
- G. If the applicants fail to comply with the conditions of approval or is unable to resolve any public complaint(s), the Planning Director shall investigate and, if necessary, enforce the appropriate conditions. The Planning Director may, as part

of any enforcement action, refer the matter to the Planning Commission for review. Upon appropriate findings by the Planning Commission, that the applicants have failed to comply with the conditions of approval or have caused an unreasonable adverse impact on surrounding properties, the permit may be suspended or revoked.

- H. Any initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
1. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, 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).

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 requirement of the affected agencies.

Should you have questions regarding the above, please contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman
Planning Commission

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cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Kazu Hayashida, Director/DOT-Highways, Honolulu
John and Jeanne Vurich