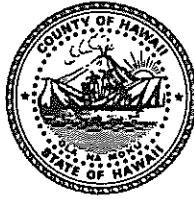


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

CERTIFIED MAIL  
P 101 317 801

JUN 03 1999

Ms. Gail Duituturaga  
P.O. Box 325  
Volcano, HI 96785

Dear Ms. Duituturaga:

Special Permit Application (SPP 99-001)  
Applicant: Gail Duituturaga  
Request: Establishment of a Fitness Center  
Tax Map Key: 1-9-12:27

The Planning Commission at a duly advertised public hearing on May 21, 1999, considered the above-referenced request for a Special Permit in accordance with Chapter 205-6, Hawaii Revised Statutes, and Rule 6 of the Planning Commission, to allow the operation of a physical fitness center within the State Land Use Agricultural District. The property is located in Kilauea Settlement Association Lots Subdivision on the west side of Wright Road, approximately 580 feet north of Hoonanea Subdivision and 2,790 feet north of the Wright Road and Laukapu Road intersection at Volcano, Puna, Hawaii.

The Commission voted to deny Special Permit No. 1026 based on the following findings:

The proposed use would not promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes (HRS), as amended. The State legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural District. Chapter 205, H.R.S., otherwise known as the State Land Use Law, provides the basic legal framework of land uses in the State of Hawaii and assists in the implementation of 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 for 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 also to preserve or keep lands of high agricultural potential in agricultural use. For this particular case, the subject property is approximately 5 acres in size and has a Land Use Pattern Allocation Guide (LUPAG) Map designation of Intensive Agricultural. It is also classified as "C" or "Fair" for agricultural productivity by the Land Study Bureau and classified Other Important

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Agricultural Lands by the ALISH Map with no active agricultural lands being removed for the proposed use. However, the agricultural potential of the project site is not the only factor in determining whether the request should be approved. Under the broader statewide objectives specified under the State Land Use Law, the land use goals, objectives and policies as articulated under the General Plan shall also be considered.

The granting of this request at this particular location would be inconsistent with the objectives 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 that "The county encourage the development and maintenance of communities meetings the needs of its residents in balance with the physical and social environment." The LUPAG Map also sets general parameters for the direction and quality of future development in an orderly manner. It is important that we keep these goals and policies and the LUPAG Map of the General Plan into consideration as we conduct a careful analysis and examination of the proposed use. This ensures that when a use is established, it follows some type of effective land use pattern that is in keeping with the social, cultural and physical environments of an area. At this time, a closer look at the uses that are being permitted and considered appropriate in a particular location through the Special Permit process deserves attention.

The applicant is requesting that she be allowed to establish a physical fitness center in a separate 1,050 square foot structure on her property to provide a place for healthy indoor activity for resident in the area. The applicants reside in a separate dwelling on the property. The property is also used as a horse pasture and has an existing riding arena with an average of three horses at any one time on the property. The physical fitness center would be able to accommodate approximately 10-12 people at any one time; with an estimated average of 2-5 people at any one time. Hours of operation would be six days a week between the hours of 6:00 a.m. until 9:00 p.m. The applicant and her husband will be the only employees. The property is located off of Wright Road, which is a County road with an approximate 20-wide pavement, 4-foot wide grass shoulders, all within an approximate 50-foot right-of-way. The applicant's driveway is graveled and there will be a graveled parking area available on site for approximately six stalls to accommodate clients.

The Volcano Village is a rural community with a small stretch of Commercial (CV) development along the Old Volcano Road. There are large Residential zoned properties as well as Agricultural lots. It could be argued that the establishment of a 1,050 square foot fitness center would not take significant lands out of existing or potential agricultural use and due to its size, and would not substantially alter the essential character of the land. However, the proposed use, an indoor recreational facility, is normally considered an activity that is permitted in a Commercial zoned district. Due to the nature of the facility and the long hours of operation; traffic could be frequent. In addition, limitations cannot be placed as to who can use the facility, although, the applicant proposes to establish the use on a small scale basis and it's intent is that local residents use the facility. In essence, by allowing this use, we would be extending the existing commercial corridor that has been established along the Old Volcano Road. Is the community ready for these type of changes? Do we want to see additional traffic dispersing deeper into the Village? The Volcano area is known for its

unique rural and pastoral qualities. Presently, a small commercial core extends along the Old Volcano Road in the vicinity of Haunani Road and Wright Road. With a limited number of commercial lands being available in the Volcano Village, allowing a commercial use through the Special Permit process may also encourage the development of other similar uses in the area. Although several bed and breakfast establishments have been approved for operation in Volcano Village and Mauna Loa Estates, these uses are considered accessory to the use of a property as a residence and are considered home-based occupations. These approved Bed and Breakfast establishments have also been clearly defined by their issued permits and are regulated through the County Zoning Code. They have also been afforded a public hearing process.

An adjacent neighbor, has expressed some concern regarding possible traffic and noise. The applicant has responded to their letter and no further response has been received. The Department has received several community comments for the proposed use within the Volcano Village.


However, the proposed fitness center, although it would be of benefit to the community residents, would more appropriately be located within a centralized area, along with other commercial activities.

Based on the above considerations, the Special Permit request to allow the establishment of a physical fitness center on the subject property, would not promote the effectiveness and objectives sought to be accomplished by the Land Use Law and Regulations, and is, therefore, denied.

As stated in Rule 6-9, "The Planning Commission's decision is appealable to the Third Circuit Court," pursuant to Chapter 91 of the Hawaii Revised Statutes.

Should you have any questions on this matter, please feel free to contact Alice Kawaha of the Planning Department at 961-8288.

Sincerely,



Leonard S. Tanaka, Chairman  
Planning Commission

LDuitu01.PC

cc: State Land Use Commission  
Department of Public Works  
Department of Water Supply  
Corporation Counsel