



Planning Commission

Bernard K. Akana
Mayor

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

CERTIFIED MAIL

January 31, 1990

Ms. Gladys Mann
75-5771 Poni Place
Kailua-Kona, HI 96740

Dear Ms. Mann:

Use Permit Application
TMK: 7-5-26:44

The Planning Commission at a duly advertised public hearing on January 18, 1990, considered your request for a Use Permit to allow the establishment of a massage office within an existing single family dwelling on 9,935 square feet of land situated within the Unplanned (U) zoned district at the east side of Queen Kaahumanu Highway and at the end of Poni Place, Kona Heights Subdivision, Hienaloli 5th, North Kona, Hawaii.

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

The granting of the proposed use will not be consistent with the County General Plan, the intent and purpose of the Zoning Code, and the general purpose of the zoned district. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area as Orchards/Alternate Urban Expansion. In this case, it is felt that the LUPAG Map designation is appropriately placed because of the potential for urbanization via non-conforming subdivisions. However, the pattern of urbanization is critical and must be reviewed in the context of the applicable policies, goals, and standards of the General Plan and regional plans.

The proposed use would be contrary to the goals in the Land Use Element of the General Plan which read "Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural, and physical environments of the

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County" and "To ensure compatible uses within and adjacent to single-family residential . . . areas." The subject property is within the non-conforming Kona Heights Subdivision, which is located in the vicinity of the Nani Kailua Subdivision and the "The Pines" residential development. The massage facility would be located off of Poni Place which is a cul-de-sac and would create an incompatible situation for existing and future dwellings located in this confined location. Approval of the request would also tend to encourage similar uses within this vicinity. A massage office is viewed as a commercial establishment and should be examined against the Commercial subsection of the Land Use Element of the General Plan, which Policy and Courses of Action for Kona state "Distribution of commercial areas shall be such as to best meet the demands of neighborhood, community and regional needs" and "Centralize commercial activities in existing urban centers." Granting of this request would be contrary to these statements in the General Plan by placing a service-related business in a non-conforming residential subdivision that would encourage commercial strip development along the highway rather than encourage the containments of commercial uses within existing commercial areas such as Kailua, Keauhou, and the node along Kuakini Highway by NAPA Auto Center. Furthermore, a neighborhood commercial area was recently zoned within the Taiyo Hawaii "Pines" development to provide a convenience shopping area. The subject property or requested use does not in and of itself fulfill a neighborhood need or convenience that could not be met at a more suitable location.

The proposed office use would be inconsistent with the intent and purpose of the Zoning Code. The Use Permit section of the Zoning Code sets a minimum lot size standard of 10,000 square feet for RS, RD, RA, and RM districts. The subject property, although zoned Unplanned, does not meet this 10,000-square foot standard. The intent of such a requirement was to allow for sufficient area for a development including parking, landscaping, and setbacks.

The granting of the proposed use will adversely affect existing uses within the surrounding area. As mentioned previously, Kona Heights and the adjacent Nani Kailua Subdivisions are essentially residential subdivisions. Poni Place provides access to four lots including the subject property. Because of the cul-de-sac and the Queen Kaahumanu Highway, the area is confined and limited. Two units are

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presently under construction on Poni Place. Two parcels are presently vacant. The introduction of a massage facility in this particular location would result in potential conflicts with the residential climate.

The granting of the proposed use will burden the roadway system. The subject property gains access from Queen Kaahumanu Highway onto Poni Place. Queen Kaahumanu Highway is an arterial two-lane highway with a posted speed limit of 45 miles per hour. The applicant has concluded that the traffic impact from the proposed use is negligible. This conclusion is based upon current traffic flow and a projected increase in traffic volume of 3 percent to 5 percent at various hours of the day. The traffic analysis, however, did not account for the purpose of the highway being a high-speed arterial. Increased turning movements at a minor street intersection would create an undesirable traffic situation which would be more appropriate at a channelized or signalized intersection as recommended by the Department of Public Works. A goal of the Transportation Element of the General Plan is to provide a system of thoroughfares and streets for the safe, efficient, and comfortable movement of people and goods between and within the various sections of the County. The establishment of a massage office would set a precedent at this location contradictory to the above-stated goal.

Based upon the above, it is determined that the establishment of a massage office is a use of land which would not be consistent with the purpose of the Hawaii County General Plan and Zoning Code; would cause substantial adverse impact to surrounding properties and the character of the area; would adversely affect existing and future residential uses within the surrounding area; would unreasonably burden the transportation system and, therefore, should be denied.

A denial by the Commission of the desired use shall be appealable to the Board of Appeals within thirty (30) days of receipt of this letter and shall be made pursuant to the Board's Rules of Practice and Procedure.

Should there be further questions on this matter, please feel free to contact the Planning Department at 961-8288.

Sincerely,



Fred Y. Fujimoto
Chairman, Planning Commission

xc: Corporation Counsel

bcc: Plan Approval Section