



# Planning Commission

LORRAINE R. INOUYE  
Mayor

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

CERTIFIED MAIL

February 15, 1991

Mr. Theodore Miller  
73-1366 Melemele Street  
Kailua-Kona, HI 96740

Dear Mr. Miller:

Use Permit Application  
Applicant: Shooter's Choice, Inc.  
TMK: 7-3-51:50

The Planning Commission at its duly held public hearing on February 1, 1991, voted to approve your application, Use Permit No. 80, to allow the establishment of an indoor shooting range and ancillary uses within the Limited Industrial-1 acre (ML-1a) zoned district. The property is located within the Kaloko Light Industrial Subdivision approximately 500 feet east (mauka) of the Kanalani Street-Lawehana Street intersection and on the north side of Lawehana Street, Kaloko, North Kona, Hawaii.

Approval of this request is based on the following:

The granting of the proposed use will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the County General Plan. The establishment of a shooting range on property designated "Urban" by the State Land Use Commission and situated within the County's Limited Industrial-1 acre (ML-1a) zoned district may be permitted through the granting of a Use Permit. The Land Use Element of the General Plan states as a goal to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" while a goal of the Recreation Element is to "Provide a wide variety of recreational opportunities for the residents and visitors of the County." The granting of this request will not detract from the present environment of this area of Kona. The property is located within the Kaloko Light

Mr. Theodore Miller  
February 15, 1991  
Page 2

Industrial Subdivision, which consists of numerous light industrial and related activities. Taking into consideration the nature of the proposed use, locating the proposed use in this area would be compatible with the surrounding uses already established within the industrial subdivision. The establishment of a shooting range is more readily acceptable in an industrial district, which is usually quite removed from residential areas, than other zoned districts. The proposed development will provide a much needed and desired recreational facility in a region where no other similar facility exists. Furthermore, the proposed facility will be located in an area that is centrally located, convenient and easily accessible by its users. Therefore, the granting of this request would also be in the direction of fulfilling a policy of the General Plan in which "The County shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment."

The proposed use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties. The proposed shooting range will be located within an existing warehouse already under construction. Therefore, the facility itself will not detract from the present character of the area. Due to the noise and traffic inherent to activities permitted within this zoned district, it is not anticipated that noise and traffic associated with the proposed use will adversely impact surrounding properties. It is the applicant's intent to construct the proposed facility in a manner which would control all sounds emanating from the shooting range.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or district. There are no indoor shooting ranges available for use by the public in the County of Hawaii.

The small scale of this development will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure. The property is provided with all essential utilities and services.

Section 25-28 of the Hawaii County Zoning Code permits accessory uses "that are an integral part of the major recreational aspect, which accessory uses, may be of a

Mr. Theodore Miller  
February 15, 1991  
Page 3

commercial or non-noxious industrial nature." Besides the operation of the proposed facility as a major recreational use, the applicant also intends to sell certain items which would be related, in various manners, to the proposed use. To ensure that the retail items to be sold are directly related to and an integral part of the proposed use, it will be made a condition of approval that a general list of all items to be sold at the facility be submitted to the Planning Department for review and approval. Additionally, the area of accessory retail sales will be restricted to a maximum of 1,350 square feet.

The applicant has stated his intent to work very closely with the Police Department in establishing the proposed use to ensure that all precautionary measures are taken for public safety. The requirements of the Department of Health and the Occupational Safety and Health Administration must be complied with. The applicant shall also be required to develop, in consultation with the Police Department, an Operational Safety Plan to be filed with the Planning and Police Departments prior to commencing operations.

Approval of this request is subject to the following conditions:

1. The applicant, successors, or assigns shall comply with all of the stated conditions of approval.
2. Final Plan Approval for the proposed shooting range and related improvements shall be secured from the Planning Department within one year from the effective date of the permit. Plans shall identify on-site parking and loading area. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured.
3. Building permit(s) for the conversion of a portion of the warehouse facility to allow a change of occupancy shall be secured within one year from the date of receipt of Final Plan Approval and be completed (certificate of occupancy) within one year thereafter.
4. The accessory retail sales area shall be limited to a maximum of 1,350 square feet of floor area.

Mr. Theodore Miller  
February 15, 1991  
Page 4

5. A list of items (general categories) to be sold at the proposed facility shall be submitted to and approved by the Planning Department prior to the issuance of the occupancy permit. The items shall supplement the shooting range activity or provide for immediate user needs (i.e. ammunition, cleaning supplies). The items offered for sale shall not compete with existing commercial and retail uses.
6. The hours of operation shall be between 11:00 a.m. and 9:00 p.m., daily.
7. The applicant shall, in consultation with the Police Department, develop an Operational Safety Plan. The Plan shall include, but not be limited to, the types of weapons and ammunition to be prohibited, provisions for safety wear, availability of range masters/instructors to supervise operations, and the maintenance of the facility to ensure a high level of safety for its users. The Plan shall be filed with the Departments of Planning and Police prior to issuance of a certificate of occupancy for the facility.
8. Access shall meet with the approval of the Department of Public Works.
9. Comply with all other applicable laws, rules, regulations, and requirements, including those of the Department of Health and the Occupational Safety and Health Administration.
10. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
11. An 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,

Mr. Theodore Miller  
February 15, 1991  
Page 5

successors, or assigns and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) 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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

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.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Fred Y. Fujimoto  
Chairman, Planning Commission

xc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
Mr. Robert D. Triantos, Esq.  
Police Department  
Department of Health  
Occupational Safety & Health Administration