

CERTIFIED MAIL

December 17, 1987

Mr. Thomas Tibbles
P. O. Box 3071
Kailua-Kona, HI 96745

Dear Mr. Tibbles:

Change of Zone Application and
Special Management Area (SMA) Use Permit Application
Petitioner: Thomas Tibbles and William Babbitt
Tax Map Key 7-5-18:30-32

The Planning Commission at its duly held public hearing on December 9, 1987 reviewed and acted on your application for a Change of Zone and SMA Use Permit No. 268 for the above described property.

The Commission voted to recommend the approval of the application to the County Council, subject to the following conditions:

- A. The applicants, successors or assigns shall comply with all of the stated conditions of approval.
- B. Submit maps for consolidation of the subject properties within one year from the effective date of approval of the Change of Zone.
- C. Plans for the proposed office building and related improvements, including landscaping, shall be submitted for Plan Approval review within one year from the date of consolidation approval.
- D. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
- E. A drainage system shall be installed in accordance with the requirements of the Department of Public Works.

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- F. A 10-foot wide road widening strip along the entire frontage of Lunapule Road shall be delineated on the consolidation plans and the plans submitted for plan approval review. No structural improvements shall be allowed in this road widening strip. Further, applicable building setbacks shall be taken from the future road widening strip.
- G. Curbs, gutters, and sidewalks shall be provided along Lunapule Road meeting with the approval of the Department of Public Works. Further, the existing pavement shall be widen to twenty feet. These improvements shall be constructed in accordance with the standards of the Department of Public Works prior to issuance of the certificate of occupancy.
- H. Should any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, paving or walls be encountered, work in the area affected shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigating measures have been taken.
- I. All applicable County and State rules, regulations and requirements shall be complied with, including those of the Department of Water Supply and the State Department of Health.
- J. An initial extension of time for the performance of conditions within the ordinance 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 change of zone; 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); and 5) if the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action.

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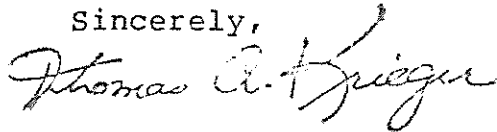
Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the area to its original or more appropriate designation.

The Commission also voted to approve your SMA Use Permit application, subject to the following condition:

All of the conditions as outlined in the accompanying change of zone ordinance shall be complied with. Should any of the conditions not be met, the Planning Director may initiate procedures to nullify the permit.

Should you have any questions regarding the above, please feel free to contact the Planning Department at 961-8288.

Sincerely,



Thomas A. Krieger
Chairman, Planning Commission

cc: Department of Public Works
Department of Water Supply
Planning Office - Kona
DBED, CZM Program (w/background)
bcc: Plan Approval Section