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DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 S. King Street, Honolulu, Hawaii 96813

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AH SUNG LEONG  
Acting Executive Officer

August 24, 1976

HAWAII PLANNING COMMISSION  
25 Aupuni Street  
Hilo, Hawaii 96720

Attention: Mr. Raymond Suefuji, Planning Director

Gentlemen:

At its meeting on August 19, 1976, the Land Use Commission voted to approve a Special Permit to Barry Machado (SP76-246) to allow a real estate office within an existing store within the State Agricultural District, located at Kalama Waiawaawa, South Kona, Hawaii, identified by Tax Map Key 8-2-09:20; subject to the conditions imposed by the Hawaii County Planning Commission.

A copy of the staff memorandum is enclosed for your information.

Very truly yours,

AH SUNG LEONG  
Acting Executive Officer

ASL:yk

Encl.

cc: Barry Machado  
Department of Taxation, Hawaii  
Tax Maps Recorder, Dept. of Taxation  
Property Tech. Office, Dept. of Taxation  
Real Property Tax Assessor, Dept. of Taxation  
Dept. of Plan. & Econ. Development  
Office of Environmental Quality Control

STATE OF HAWAII  
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission August 19, 1976  
10:30 a.m.

FROM: Staff

SUBJECT: SP76-246 - Barry K. Machado

This petition is to allow a real estate office within an existing store which is situated in the Agricultural District at Kalama Waiawaawa, South Kona, Hawaii. The site is Machado Store, which fronts the makai side of the Hawaii Belt Road approximately 0.9 mile south of the Kealakekua Ranch Shopping Center. The parcel is described as Tax Map Key 8-2-09: 20, and comprises 4.2 acres.

Machado Store consists of a gift shop, a warehouse area, jewelry manufacturing area, a storage area, an office, and a garage covering a total of approximately 2,200 square feet. Petitioner intends to renovate the 144 square foot storage area for use as a real estate office. The building has been used for commercial purposes for over 80 years and, therefore, is a non-conforming use in the Agricultural District. A Special Permit is required since a non-conforming use shall not be changed to another non-conforming use and shall not be expanded or increased in intensity of use under Land Use Regulations.

The County's General Plan designates the area as Orchards and the zoning is Agriculture 5-acre. Except for a coffee drying shed, the remainder of the land is vacant. Surrounding areas contain scattered homes, coffee and vacant lands. Soils are of the Honaunau and Honuaulu series; slopes exceed 20%; and there are no known flood or drainage problems in the area. All essential utilities are available. Except for the Department of Water Supply which indicates that no additional water will be allowed until the Kahaluu shaft is completed, no agency had any objections on the Special Permit.

Petitioner indicates that his request is not contrary to the objectives of the Land Use Law, that because of the extreme slopes, the land is unsuitable for intensive agriculture; that the real estate office is compatible with the existing non-conforming use; that no burden will be placed on public agencies; that it will not alter the character of the land and the present use; and will make the best use of the land for the public welfare. He notes that only two real estate offices are located outside of Kailua; one of which is 4 miles north and the other 30 miles south.

At the hearing on the matter on June 3, 1976, it was clarified that the real estate office will temporarily be located in the

12' X 12' storage area but that the petitioner desired to keep the option of relocating to the warehouse or factory portion of the Machado building. The petitioner also indicated that parking will be provided at the rear of the building for about eight cars and that the parking spaces in front will be for business.

#### COUNTY RECOMMENDATIONS

At its meeting on June 24, 1976, the Hawaii County Planning Commission voted to recommend approval of the Special Permit based on the findings that:

1. The proposed use would not be contrary to the objectives of the Land Use Law as the building is a non-conforming structure occupying a limited portion of the property and will not interfere with the agricultural potential of the parcel.
2. The inclusion of the real estate office will not greatly intensify the existing commercial activity since most business will be transacted by phone or correspondence.
3. Public agencies will not be burdened to provide services since these are already available.

The recommendation of the Hawaii County Planning Commission was made subject to the following conditions:

- "1. That the petitioner, Barry Machado, submit plans for the renovation of the building to the Planning Department within six (6) months from the effective date of the Special Permit. The plans shall identify the area within the building where the real estate office will be situated.
- "2. That the real estate office shall be occupied within six (6) months of receipt of final Plan Approval from the Planning Department.
- "3. That all other applicable rules and regulations be complied with.

"It should be further pointed out that the staff's recommendation is for the establishment of a real estate office within the existing structure and not necessarily limited to a particular area within the structure. This determination will be made at the time plans are submitted for Plan Approval as outlined in condition number 1.

"Should any of the conditions not be met, the Special Permit shall be deemed null and void."