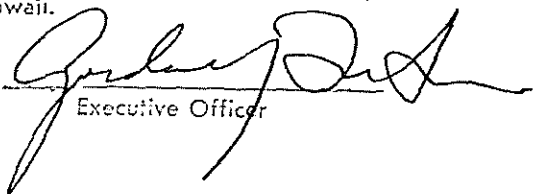


BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the)
Petition for Special)
Permit of MANFRED B.)
CIESLIK)
_____)

SP76-251
MANFRED B. CIESLIK

This is to certify that this is a true and correct copy of the
Decision and Order on file in the office of the State Land Use
Commission, Honolulu, Hawaii.

July 5, 1978 by 
Date Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the) SP76-251
Petition for Special)
Permit of MANFRED B.) FINDINGS OF FACT, CONCLUSIONS
CIESLIK) OF LAW, AND DECISION AND ORDER
_____)

The Land Use Commission of the State of Hawaii,
having duly considered the entire record in the above-entitled
matter, makes the following findings of fact and conclusions
of law.

FINDINGS OF FACT

1. The Petition for Special Permit was filed by Manfred B. Cieslik, requesting a one year time extension of Special Permit 76-251 to commence construction of a bowling center facility on approximately three (3) acres of land situated within the State Land Use Agricultural District at Keahuolu, North Kona, Hawaii, Tax Map Key 7-4-8: portion of 2.
2. The subject property is located directly mauka of the old Kona Airport complex in Kailua, Kona.
3. A Special Permit was originally granted on December 21, 1976 by the Land Use Commission to construct the bowling center facility, with the condition that construction begin within one year of the granting of the special permit.
4. The Petitioner's reason for requesting the extension of time within which to begin construction of the bowling center facility was due to difficulty experienced in obtaining the underlying lease to the subject property from the Liliuokalani Trust.

5. The Liliuokalani Trust has now consented to grant the Petitioner lease rights to the petitioned property.

6. The proposed bowling center facility includes a 20-lane alley, a restaurant and bar facility. The facility will be housed within a 21,350 square foot, single story building with a 142-stall parking lot.

7. The area under consideration is designated for extensive agricultural uses and alternate urban expansion on the County of Hawaii's General Plan Land Use Pattern Allocation Guide Map. County zoning of the area is unplanned.

CONCLUSIONS OF LAW

1. "Unusual and reasonable" uses other than those which are permitted in an agricultural district may be permitted by special permit pursuant to HRS Section 205-6, and State Land Use Commission District Regulation, Part V.

2. The use described in the special permit request for time extension is not contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

3. The desired use and the granting of the extension will not adversely affect surrounding property.

4. The petitioned use and the extension of the permit will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and school improvements, and police and fire protection.

5. Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established.

6. The use described in the petition is an unusual and reasonable use pursuant to HRS Section 205-6 and State Land Use Commission District Regulation, Part V.

DECISION AND ORDER

IT IS HEREBY ORDERED:

That Special Permit No. 76-251, for a one-year time extension of the special permit to construct a bowling center facility on approximately three (3) acres of land situated within the State Land Use Agricultural District at Keahuolu, North Kona, Hawaii, Tax Map Key 7-4-8: portion of 2, be approved subject to the following condition:

"Construction shall start within a period of one (1) year following the approval of the request for an extension of time."

DATED: Honolulu, Hawaii, July 3, 1978


C. W. Duke
C. W. DUKE, Chairman and
Commissioner

Shinichi Nakagawa
SHINICHI NAKAGAWA, Vice Chairman
and Commissioner

James R. Carras
JAMES CARRAS, Commissioner

Colette Machado
COLETTE MACHADO, Commissioner

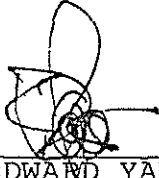
Shinsei Miyasato
SHINSEI MIYASATO, Commissioner



GEORGE PASCUA, Commissioner



CAROL WHITESELL, Commissioner



EDWARD YANAI, Commissioner

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
for Special Permit of Manfred) SP76-251 - MANFRED B. CIESLIK
B. Cieslik)

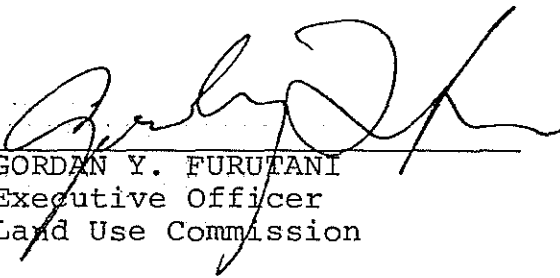
CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use
Commission's Decision and Order was served upon the
following by certified mail:

Sidney Fuke, Planning Director
Hawaii Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Manfred B. Cieslik
P. O. Box 1540
Kailua-Kona, Hawaii 96740

Dated: Honolulu, Hawaii, this 5th day of July, 1978


GORDAN Y. FURUTANI
Executive Officer
Land Use Commission

CERTIFIED MAIL

February 2, 1979

Mr. Manfred Cieslik
P. O. Box 1540
Kailua-Kona, HI 96740

Dear Mr. Cieslik:

Time Condition of Special Permit 76-251 (LUC No. 348)
TMK: 7-4-08:2

On May 11, 1978, the Land Use Commission approved your time extension request until December 21, 1978, to commence construction of a bowling center facility on the subject property.

They advised you that your failure to comply with any of the delineated conditions of approval, particularly those relating to time, shall be reason for termination of the special permit. Also, the Land Use Commission will not consider any request for time extension which is filed after the stipulated commencement or expiration dates.

Upon review of our files and records, we find that no plan approval or building permits have been approved for the construction of the bowling facility.

Since construction cannot commence without the above mentioned approvals, we have no alternative but to nullify Special Permit 76-251 (LUC No. 348) for failure to comply with the condition of the permit.

Should you have any questions on this matter, please feel free to contact Norman Hayashi or Francis Saiki at 961-8288.

Sincerely,

Sidney Fuke

SIDNEY FUKU
Director

FS:wkm

cc: Land Use Commission
Planning Commission

FEB 5 1979