

Planning Commission

Bernard K. Akana
Mayor

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

CERTIFIED MAIL

October 3, 1989

Mr. Melvin Miranda
P.O. Box 2000
Kamuela, HI 96743

Dear Mr. Miranda:

Special Permit Application
TMK: 6-4-17:64

The Planning Commission at its duly held public hearing on September 19, 1989, voted to approve your application, Special Permit No. 695, to allow the establishment of a trucking and hauling business on five acres of land situated within the State Land Use Agricultural District along the west side of Kauakea Street, approximately 380 feet north of the Mamalahoa Highway-Kauakea Street intersection, Puukapu Homesteads, 2nd Series, South Kohala, Hawaii.

The Planning Director recommended denial of the application; however, the Commission approved it based upon the following conditions:

1. The applicant shall be responsible for complying with all of the stated conditions of approval.
2. The Special Permit shall terminate within two years from its effective date. It is the intent of this Commission that no time extension shall be applied for.
3. The hauling and trucking business shall be limited to a maximum of 20,000 square feet. A legal description of the 20,000-square foot area in map and written form by metes and bounds as certified by a licensed surveyor shall be submitted at the time of plan approval review. The 20,000-square foot area, however, shall not be subdivided out from the rest of the property nor shall it be separately recorded with the State Bureau of Conveyances.

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4. Final Plan Approval shall be secured from the Planning Department within six months from the effective date of this permit. 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. The plans shall delineate pavement of all working areas within the 20,000-square foot area and the type of landscaping material to be provided.
5. The applicant shall notify the Planning Department immediately after establishing the use on the property.
6. A landscaping buffer shall be provided along the roadway frontage and along the southern portion of the 20,000-square foot area meeting with the approval of the Planning Department prior to establishing the use on the property.
7. Only the applicant's equipment shall be stored or parked on the property. No parking or storing of equipment shall be permitted on Kauakea Street or its right-of-way.
- 8.. The hauling and trucking operation shall be limited to Monday to Saturday, between the hours of 7:00 a.m. to 5:00 p.m.
9. Repair and maintenance activities conducted on the property shall be limited to the applicant's equipment stored on the property.
10. The stockpiling of materials shall not be permitted on the property.
11. Only one driveway access from the property shall be allowed to Kauakea Street meeting with the approval of the Department of Public Works.
12. The pavement width of Kauakea Street between Mamalahoa Highway and northern end of the driveway access property shall be increased to a minimum of twenty feet meeting with the approval of the Department of Public Works.

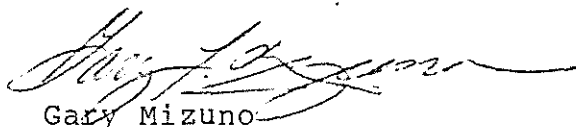
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13. A drainage system shall be installed meeting with the approval of the Department of Public Works prior to establishing the use on the property.
14. All other applicable rules, regulations and requirements shall be complied with.
15. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the permit. The report shall address the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
16. Should any of the foregoing conditions not be met, the Planning Director shall initiate procedures to revoke the Special 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,



Gary Mizuno
Chairman, Planning Commission

xc: Sandra Pechter Schutte, Esq.
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
State Land Use Commission

bcc: Plan Approval Section

CERTIFIED MAIL

September 17, 1990

Mr. Melvin Miranda
P.O. Box 2000
Kamuela, HI 96743

Dear Mr. Miranda:

Special Permit No. 695
Applicant: Melvin Miranda
Notification of Violation of Conditions
TMK: 6-4-17:64

This is to notify you that you are in violation of conditions of approval of Special Permit No. 695. We received a notice from your representative, Sandra Pechter Schutte, dated August 27, 1990, informing us that you had commenced baseyard operations on the subject property.

A site inspection of the property was made by Planning Department staff on September 7, 1990, to verify that conditions of approval had been complied with prior to establishment of operations. The inspection was also in response to a complaint, that conditions of approval were not being complied with. Based on that inspection and review of our files, violations of the following conditions were discovered:

- "6. A landscaping buffer shall be provided along the roadway frontage and along the southern portion of the 20,000-square foot area meeting with the approval of the Planning Department prior to establishing the use on the property."

Landscaping is in place along the roadway frontage but not along the southern portion of the baseyard area.

Final Plan Approval was issued for a plan which did not show landscaping along the southern portion of the baseyard site. Upon further review of the Planning Commission's

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conditions of approval, we are hereby revising Condition No. 3 of Final Plan Approval dated April 23, 1990, as follows:

"3. The landscaping buffer shall extend to the fenceline of paddock #6 along Kauakea Street and along the southern boundary of the 20,000-square foot baseyard site to the fenceline of paddock #7. Landscaping shall be established prior to establishment of the use."

"11. Only one driveway access from the property shall be allowed to Kauakea Street meeting with the approval of the Department of Public Works."

There is only one driveway access to the property from Kauakea Street. However, it has not been approved by the Department of Public Works.

"12. The pavement width of Kauakea Street between Mamalahoa Highway and northern end of the driveway access property [sic] shall be increased to a minimum of twenty feet meeting with the approval of the Department of Public Works."

Existing pavement is 16-18 feet wide. It has not been improved prior to establishment of use. No plans for improvement have been approved by the Department of Public Works.

"13. A drainage system shall be installed meeting with the approval of the Department of Public Works prior to establishing the use on the property."

The Department of Public Works has not approved plans for a drainage system.

Based on the above, it is determined that you are in violation of Condition Nos. 6, 11, 12, and 13 of Special Permit No. 695. You are hereby notified that you must cease trucking and baseyard operations on the property immediately upon receipt of this certified letter.

The conditions of approval of Special Permit No. 695 require the following action prior to re-establishment of trucking and baseyard operations:

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- Condition 6. Install a landscaping buffer along the southern boundary of the 20,000-square foot baseyard area to the fenceline of paddock #7.
- Condition 11. Construct a driveway access from the property to Kauakea Street meeting with the approval of the Department of Public Works.
- Condition 12. Improve Kauakea Street to a minimum of twenty feet, meeting with the approval of the Department of Public Works.
- Condition 13. Install a drainage system meeting with the approval of the Department of Public Works.

Please notify the Planning Department immediately upon compliance with the above conditions. Upon a determination of compliance by the Planning Director, you will be allowed to re-establish the use on the property. Failure to cease operations immediately and to comply with the above-stated conditions will compel the Planning Director to initiate procedures to revoke the permit. Should you have any questions on the above, please feel free to contact Anna Smith or Connie Kiriu of this office.

Sincerely,


DUANE KANUHA
Planning Director

AJS:lm

cc: Planning Commission
Sandra S. Schutte
Terence S. Yamamoto
Corporation Counsel
Department of Public Works
PA 2597