

# Planning Commission

Lorraine R. Inouye  
Mayor

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

CERTIFIED MAIL

August 8, 1991

Mr. Bruce Kawamura  
BK, Inc.  
675 Kinoole Street  
Hilo, HI 96720

Dear Mr. Kawamura:

Special Permit Application ;  
Applicant: BK, Inc.  
Commercial Office Building  
Tax Map Key: 9-2-82:02

The Planning Commission at its duly held public hearing on July 30, 1991, voted to approve your application, Special Permit Permit No. 781, to allow the establishment of a commercial office building, which would contain real estate, legal, business consulting, accounting/financial, engineering/drafting, insurance and medical/dental services, on 3.183 acres of land situated within the State Land Use Agricultural District. The property is located on the northwest corner (Kona side) of the Hawaii Belt Road-Hawaii Boulevard intersection, Hawaiian Ocean View Estates, Kahuku, Ka'u, Hawaii.

Approval of this request is subject to the following conditions:

1. The applicant, its successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval for the first phase of the office complex shall be secured from the Planning Department within one year 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

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by which plan approval must be secured. Plans shall identify structures, landscaping, and parking stalls associated with the office complex. Landscaping shall provide a buffer between structures/parking areas and property boundaries. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted.

3. Construction of the first phase of the office complex and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
4. Final Plan Approval for the second phase shall be secured from the Planning Department within one year from the issuance of a certificate of occupancy for the first phase. Plans shall be prepared and submitted in accordance with Condition No. 2 above.
5. Construction of the second phase of the office complex and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
6. Access and drainage improvements shall meet with the approval of the Department of Public Works.
7. Comply with all other applicable laws, rules, regulations, and requirements including those of the Department of Health, the Fire Department, and the Department of Public Works.
8. 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.
9. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is

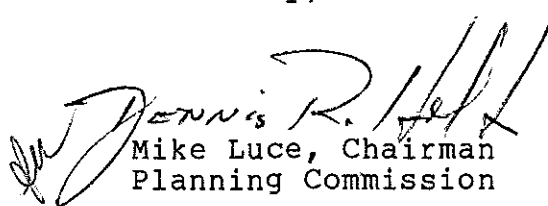
Mr. Bruce Kawamura  
August 8, 1991  
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the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns and that are not the result of their fault or negligence; b) granting of the time extension 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,

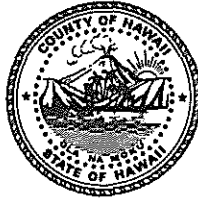
  
Mike Luce, Chairman  
Planning Commission

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jdk

xc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
State Land Use Commission

Bcc: Plan Approval Section

Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL  
Z 095 323 760

SEP 30 1996

J. James Sogi, Esq.  
75-170 Hualalai Road, Suite D-120  
Kailua-Kona, HI 96740

Dear Mr. Sogi:

Special Permit (SPP 781)  
Applicant: Merle Martin  
Request: Extension of Time to Condition No. 3 (Complete Construction)  
Tax Map Key: 9-2-82:2

The Planning Commission, at its duly held public hearing on September 19, 1996, voted to revoke the above-referenced special permit. Special Permit No. 781 had allowed the establishment of a commercial office complex on approximately 3.183 acres of land situated within the State Land Use Agricultural District. The property is located within Hawaiian Ocean View Estates on the northwest corner (Kona side) of the Hawaii Belt Road-Hawaii Boulevard intersection at Kahuku, Kau, Hawaii.

Revocation of Special Permit No. 781 is based on the following:

Special Permit No. 781 was approved by the Planning Commission on July 30, 1991, subject in part, to the following Condition No. 3:

- "3. Construction of the first phase of the office complex and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter."

On April 29, 1996, the applicant filed a request to amend Condition No. 3 for an extension of time to complete construction of the office complex of Special Permit

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SEP 30 1996

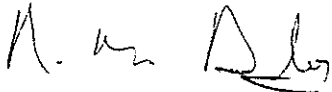
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No. 781. Subsequently, the applicant, by letter dated September 3, 1996, requested to withdraw his request for an extension of time and requested action to void the permit. The applicant has decided not to pursue the development at this time and may reapply at a later date.

Condition No. 9 of Special Permit No. 781 allows for the Planning Director to grant extensions of time or to initiate procedure to revoke the permit should conditions not be substantially complied with. The inability of the applicant to comply with the requirements of Condition No. 3 of Special Permit No. 781 and the applicant's request to void this permit are basis for revoking the Special Permit.

Based on the above, Special Permit No. 781 is hereby revoked.

Sincerely,



Kevin M. Balog, Chairman  
Planning Commission

AK:syw

LMarti01.pc

cc: Honorable Stephen K. Yamashiro, Mayor  
West Hawaii Office  
Land Use Commission  
Real Property Tax Office  
Department of Public Works  
Mr. Merle Martin