

County of Hawai'i

LEEWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

JAN 12 2011

Tyson and Sandra Caitano
P.O. Box 1651
Kamuela, HI 96743

Dear Mr. and Mrs. Caitano:

Special Permit Application (SPP 10-000109)

Applicant: Tyson and Sandra Caitano

Request: To Allow the Establishment of an Automotive Maintenance Shop
On a ½-Acre Parcel of Land

Tax Map Key: 6-4-017:019

The Leeward Planning Commission at its duly held public hearing on December 15, 2010, reviewed the above-referenced request for a special permit to operate an automotive maintenance shop on approximately 0.5-acre of land situated within a larger 2-acre parcel located within the State Land Use Agricultural District. The property is located along the northwest corner of Highway 19 (Māmalahoa Highway) and Alanui Ohala Place within Pu'ukapu Homesteads, 2nd Series, South Kohala, Hawai'i.

The Commission voted to approve the application based on the following findings:

The applicants are requesting a Special Permit to allow for the establishment of an existing automotive repair business within an existing 1,768 square foot detached agricultural storage building located on a 0.5-acre portion of land that is situated within a larger two-acre parcel within the State Land Use Agricultural District. The vehicle maintenance and light service proposed by this application includes engine oil and filter changes, engine cooling system flushes, brake system flushes, under car grease servicing, tire rotations, belt replacements, and all other vehicle fluids/ filters/ and serviceable parts. The proposed hours of operation are Monday through Friday from 7:00 a.m. to 6:00 p.m. and Saturdays from 8:00 a.m. to 4:00 p.m. The applicants' son would be the sole technician on staff with plans to employ a helper who would answer phone calls, perform

parts runs, clean the shop area, and pick up/ delivery of customer vehicles, initially on a part-time basis and go to full-time employment as the business grows. According to the applicants, the applicants' son was inspired to pursue this venture to take advantage of his years of automotive training and education on the mainland.

The grounds for approving a Special Permit are based on Rule 6-6 in the Planning Commission Rules. It states that the Planning Commission shall not approve a Special Permit unless it is found that the proposed use (a) is an unusual and reasonable use of land situated within the Agricultural or Rural District, whichever the case may be; and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended.

The Leeward Planning Commission finds that based upon strong public testimony in support of the application presented at its December 15, 2010 public hearing on this particular application and finding that the requested use is an unusual but reasonable use of Agricultural-designated lands that is desired by the community and would serve our community well.

Based on the above, the Leeward Planning Commission hereby approves Special Permit No. 10-000109 subject to the following conditions:

1. The applicant, successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall submit estimated daily water usage calculation for the proposed uses, prepared by a professional engineer licensed in the State of Hawai'i, for review and approval to the Department of Water Supply. Prior to commencement of the proposed use, the applicant shall install an additional or larger water meter to provide County water to the proposed uses, as required by the Department of Water Supply.
3. The applicant shall install a reduced pressure type backflow prevention assembly within five (5) feet of the existing water meter and any additional water meters on private property, which must be inspected and approved by the Department of Water Supply upon approval of this amendment to the Special Permit.
4. Final Plan Approval for the automotive maintenance facility shall be secured from the Planning Department in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code within one year from the effective date of this permit. Plans shall identify all existing and/or proposed structures, paved driveway access and parking stalls associated with the proposed development. A landscaping buffer, as recommended by the Waimea Community Association,

shall be shown on plans and installed to provide a visual buffer of the facility from the Māmalahoa Highway.

5. The applicant shall secure the necessary building permits to convert the existing agricultural storage building to an automotive maintenance facility and secure a certificate of occupancy within one year from the date of issuance of Final Plan Approval.
6. No more than four (4) vehicles for repair shall be permitted at the site at any one time. No vehicles shall be parked on the shoulders of the Māmalahoa Highway or Alanui Ohana Place fronting the subject property at any time. In addition, all vehicles in repair shall be parked within the garage after work hours.
7. Operation of the auto body repair and accessory uses shall be limited between 7:00 a.m. and 6:00 p.m. Monday through Friday and from 8:00 a.m. and 4:00 p.m. on Saturday.
8. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
9. If the applicant fails to comply with the conditions of approval or is unable to resolve any public complaint(s), the Planning Director shall investigate and, if necessary, enforce the appropriate conditions. The Planning Director may, as part of any enforcement action, refer the matter to the Planning Commission for review. Upon appropriate findings by the Planning Commission, that the applicant has failed to comply with the conditions of approval or has caused an unreasonable adverse impact on surrounding properties, the permit may be suspended or revoked.
10. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
 - A. Non-performance is 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.

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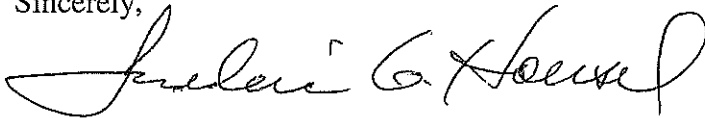
- D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may 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.

Should you have any questions, please contact Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Frederick Housel, Chairman
Leeward Planning Commission

lcaitanospp10-000109lwpc

cc: Ms. Lori Mikkelson
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Department - Kona
State Land Use Commission
DOT-Highways, Honolulu
Mr. Gilbert Bailado
Mr. Robert Usagawa
Waimea Community Association