PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

COUNTY OF
HAWAII

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKE
Director

DUANE KANUHA
Deputy Director

June 8, 1982

Mr. Willis H. Sanburn
Director of Business Relations
Waikoloa
Suite 1801
Financial Plaza of the Pacific
130 Merchant Street
Honolulu, HI 96813

Dear Mr. Sanburn:

Time Extensions to Use Permit Nos. 2, 3 and 7
Tax Map Key 6-8-3:Portion of 136

The Planning Commission at its duly held public hearing on June 3, 1982, considered your request for time extensions to Use Permit Nos. 2, 3 and 7 which allowed a temporary construction and administration building, a temporary material storage yard, and temporary construction and administration building, respectively, to be established within the Multiple Residential-1,500 square foot (RM-1.5) zoned district at Waikoloa, South Kohala, Hawaii.

The Commission voted to approve your request for a two-year time extensions until July 1, 1984, for Use Permits 2, 3, and 7, based on the following considerations:

That Use Permits 2, 3, and 7 were granted to provide the petitioner with a means to establish certain uses on a temporary basis in order that the proposed development could come to fruition in a timely manner. These uses were deemed to be an essential part of the overall development and were to be allowed on an interim basis for a specified period of time until they could be located on a permanent basis on lands that are appropriately zoned. Since the granting of these Use Permits, the Waikoloa development has encountered various unanticipated

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delays, including a title suit, an international economic slowdown, and a transfer of ownership. The result of these has been a slow start-up period for the development.

The approval of the requested time extension will provide the petitioner with ample opportunity to terminate the existing Use Permits and establish the uses allowed by these permits in appropriately zoned lands. A two-year (2) time period is deemed to be adequate for the petitioner to pursue proper zoning and to develop and realize plans for those uses for which there are existing zoned lands.

It should be emphasized, however, that the Use Permits were granted on a temporary basis until the permitted uses could be established on appropriately zoned lands. Use Permits 2 and 3 were granted in 1970, while Use Permit 7 was approved in 1971. They have essentially allowed office and industrial uses within the Multiple Family Residential zoned district. The two-year time extension will mean that the life of these temporary uses has been prolonged for a thirteen to fourteen-year period. In spite of unanticipated delays, these lengths of time should be more than adequate for the petitioner to comply with the intent of the Use Permits and the Zoning Code. It would be, therefore, only for compelling and extremely unusual circumstances that future time extension requests would be favorably recommended by the Commission.

This is further emphasized by the fact that there are appropriately zoned lands within the Waikoloa Village area that could accommodate the office uses. There are eight (8) parcels with a combined total area of 61.198 acres which are zoned for Village Commercial uses and which are vacant. These lands are owned by the petitioner and can be developed by the petitioner for those uses allowed by Use Permits 2 and 7. In addition, some of the parcels zoned Village Commercial and which have uses established on them are not fully developed and could accommdate office uses.

In addition, the General Plan Revision adopted in 1979 has found that there will be a demand for industrial lands within the mauka Waikoloa development. As a result, the County has provided an industrial designation for the area. The petitioner could initiate appropriate action for establishing industrially zoned lands.

Inasmuch as there are vacant commercially zoned lands which can accommodate the office uses and options available to the petitioner for the establishment of industrially zoned lands, the granting of future time extension requests would be contrary to the purpose and intent of the Zoning Code which provides that specific uses be established in zoned districts that are spatially discreet. The two-year time extension now being requested is determined to be reasonable and adequate to allow the petitioner to phase the subject uses out in their existing locations and to establish them in accordance with the County General Plan and the Zoning Code.

The Commission further recommended that the time extensions request until July 1, 1984, be approved subject to the following conditions:

1. That the conditions of approval of the original Use Permits shall be complied with.

2. That the petitioner or its authorized representative shall submit a progress report to the Planning Director by July 1, 1983, outlining the steps which have been taken to phase out the industrial and office uses at their present locations and to re-establish them in appropriately zoned lands. The Planning Director shall file a copy of the report with the Planning Commission for their information and review.

Should any of the above conditions not be met, Use Permits 2, 3 and 7 shall be automatically void.

Should you have any questions, please feel free to contact the Planning Department at 961-8288.

Sincerely,

Alfredo Orita

ALFREDO ORITA
Chairman, Planning Commission

lgv
cc: Department of Public Works
Kona Services Office