

MCKEE, Harry F.

H

SP(T)-20

SPECIAL PERMIT CHECK SHEET

LUC File SP(T)- 20

Petitioner: HARRY F. MCKEE County Hawaii

Key

Date petition and fee received: Aug. 9, 1962

Suspense date for LUC action: 12-6-62

Date LUC survey Sept. 7, 1962

Notices of hearings

Dates

Publication

Aug 29, 62 Honolulu STAR Bulletin

Aug 29, 62 Hilo Tribune Herald

Hearings

Date

Place(s)

By

Sept. 18, 62 Kona Cultural LUC
center

Actions

Dates

Actions

By

Notes:

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

This space for official use

Date Application and Fee
received by LUC

Aug. 9. 1962

APPLICATION FOR SPECIAL PERMIT

(I) (We) hereby request approval of a special permit to use certain property located in the County of Hawaii, Island of Hawaii, Land Use Commission Temporary District Boundary map number and/or name _____, for the following-described purpose:

Restaurant, bar, office, motel

Description of property: Block 68, Lot 1, Hawaiian Ocean View Estates, containing an area of 69,667 square feet (to be used for construction containing restaurant, bar and office). Block 69, Lots 20, 22 and 24, Hawaiian Ocean View Estates, containing areas of 43,580, 66,892 and 43,604 square feet respectively. (To be used for Motel facilities).

Petitioner's interest in subject property:

Equitable Owner under paid-up Agreement of Sale.

Petitioner's reason(s) for requesting special permit:

Land is best suited to proposed use and is not suited to agricultural use to which it is presently zoned. (For elaboration, please see Petition for Special Permit dated August 3, 1962 and submitted earlier by same Petitioner.)

Signature(s) NEVELS AND CHANG

Attorneys for Petitioner

By [Signature]

Address: Hilo Hotel Bldg., Hilo, Hawaii

Telephone: 44-101

This space for official use

The property is situated in a(n) AGRICULTURAL district, whose regulations adopted by the Land Use Commission prohibit the desired use.

Signature(s) W. M. Mulhoney

For (agency) Land Use Commission

1941

DATE OF BIRTH: 1911
AND USE CODE: 1-101

100-100000

REPLICATION OF THE

... .. of

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

Use Compendium for details; see also page 10.

For the purpose of this study, the following data were collected:

1720-1919

1. The following information is for your information only:

(2) 30,000,000

[illegible]

1110 71 0000 3111

الحمد لله الذي جعل القرآن الكريم من أجلّ الكتب وأجلّها، وهدانا لهذا السبيل، والحمد لله دائماً وبالله التوفيق.

...the land was taken over by the Government.

State of Hawaii
LAND USE COMMISSION

१५३४७३३

AUG 22 1962

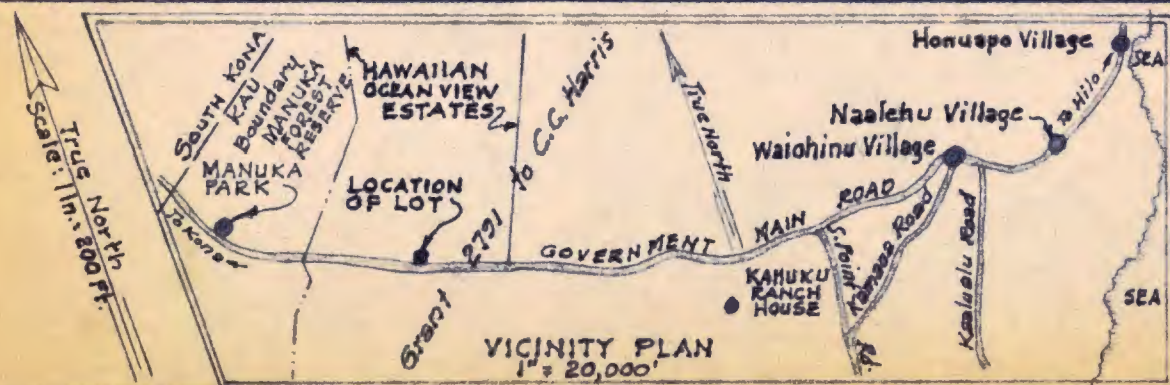
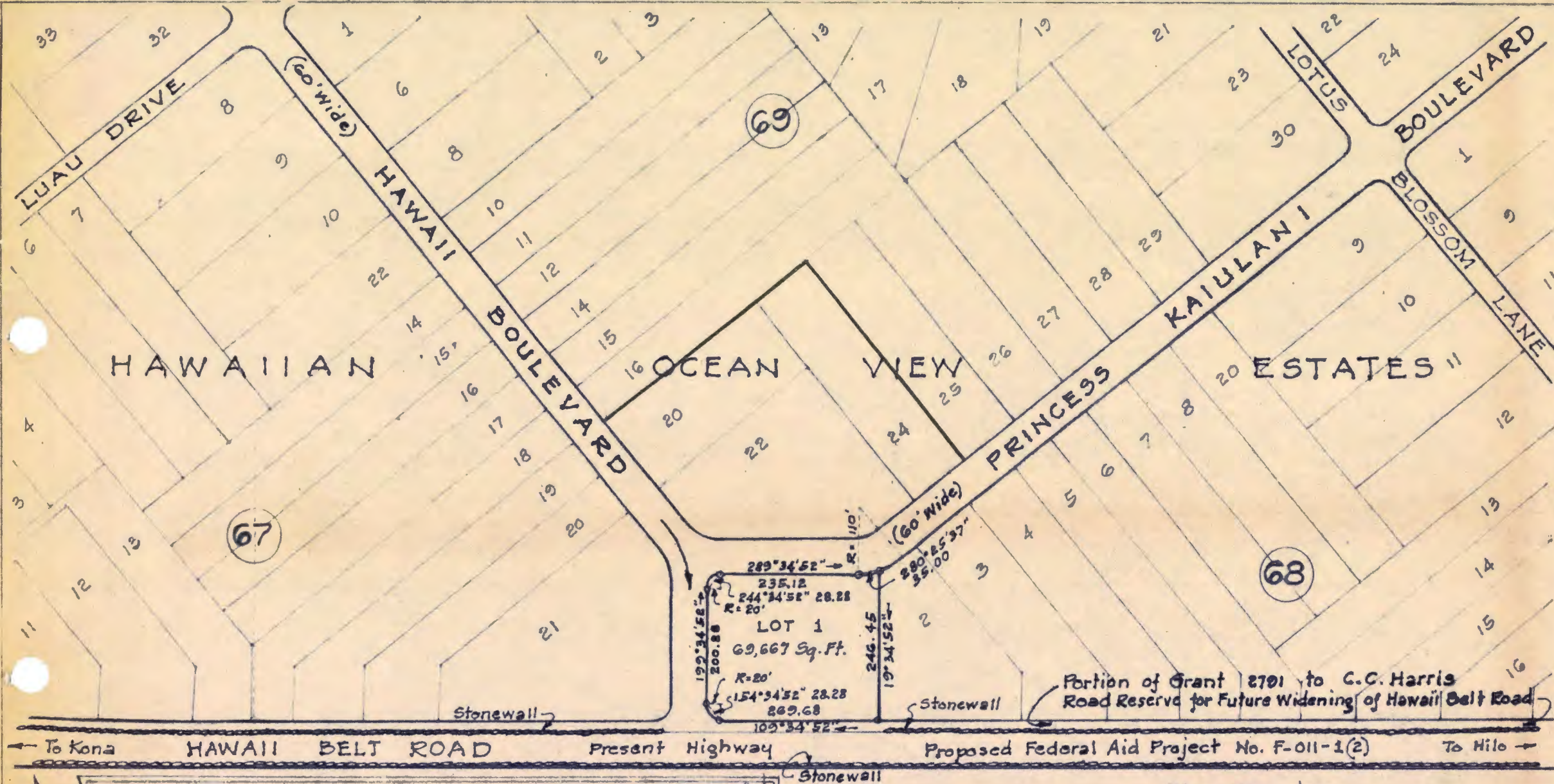
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AUG 22 1964

(20:25) 109

State of Hawaii
LAND USE COMMISSION
Kapuaiwa Building
426 Queen Street
Honolulu 13, Hawaii

Harvey F. McKee

SP(T) 62-20



Tax Map Key: 9-2-01
There is no County Water System within the scope of this subdivision

Plan Showing
LOT 1, BLOCK 68
Hawaiian Ocean View Estates
Being a portion of Grant 2791 to C.C. Harris
Kahuku, Kau, Hawaii
Scale: 1 in. = 200 Ft.
Survey and plan by Murray, Smith & Associates, Ltd.
August 16, 1962 P.O. Box 862, Hilo, Hawaii
OWNER: Hawaiian Ocean View Estates
2790 Cherry Ave., Long Beach, California

RECEIVED

AUG 22 1962

State of Hawaii
LAND USE COMMISSION

STAFF REPORT: MCKEE

APPLICATION OF HARRY F. MCKEE (SP(T)62-20)
FOR SPECIAL PERMIT TO CONSTRUCT AND
OPERATE A RESTAURANT, BAR, OFFICE AND
MOTEL ON PROPERTY ADJACENT TO MAMALAHOA
HIGHWAY, SOUTH OF MANUKA STATE PARK, KAU
DISTRICT, HAWAII: Described as TMK 9-2-81: 49,50,
51 and 9-2-83: 21.

The applicant has stated through his attorneys,
Neville & Chang, that he is the "equitable owner under
paid-up agreement of sale," of the subject properties,
located in Hawaiian Ocean View Estates, on the
southeastern edge of the Manuka Branch of the
1907 Manna Loa lava flow.

The restaurant, bar and office are proposed for
69,667 square foot
the lot (9-2-83: 21) bounded on three sides by
the newly improved Mamalahoa Highway (the Hawaii Belt Road), Hawaii
Boulevard and Princess Kaiulani Boulevard; and
the motel is planned for the three-lot site on the
manuka side of Princess Kaiulani Blvd., containing 154,076
sq. ft. (approx. 3½ acres).

no P

These lots are located at one entrance to a subdivision
which is said to contain some 12,000 lots. Road improve-
ments within the subdivision are underway. It is not
known what arrangements are being made for water supply and
sanitary disposal.

~~State~~
~~The General Plan shows the area as "Open Land."~~

This application is a very good illustration of a group of uses made desirable because of great distance from any other suitable facilities to serve travelers, in the way of food and lodging. (Manuka Park, a short distance to the north, offers ^{only} picnic tables, toilet facilities, parking and attractive landscaping.) Staff would venture to suggest that a service station seems to be lacking as a proper adjunct to the complex proposed.

Staff recommends approval of the permit, ^{as a proper and desirable, unusual and reasonable development which} subject to the following conditions, in the interests of proper commercial development for the area, as well as appearance to the traveling public, convenience and safety:

1. That approval of the County of Hawaii be secured for all uses, which may, if the County approves, include a restaurant and bar business and an office on TMK 9-2-83:21, and a motel on the site composed of TMK 9-2-81:49, 50, 51;

2. That approval of the County of Hawaii be secured for all structures and improvements, and for siting, arrangement and exterior design of same; for design of vehicular access, egress, circulation and parking layout; and for landscaping; and

3. That the... (Copy #3 from Jackson - my hand hurts!)

will provide a needed service to the public.

4. That approval of the State Department of Transportation be secured for any vehicular access to the property from Mamalahoa Highway.

A note should be added to the approval, as follows: "This permit is granted with the understanding that ^{additional} public facilities and services, in the form of ^{roads,} domestic water, police and fire protection, etc., may not be made available to this area for a number of years in the future."

The above recommendation is not considered to be in conflict with the State General Plan recommendation of "Open Land"

August 8, 1962

Received from L. H. Beach, Jr. for Harry
F. Mc Kee
Fifty and no/100 Dollars

100

for Public Hearing by Land Use Commission
for Special Permit Application

\$ 50.00

Robert L. Kai

Made in U. S. A.

July 20, 1972

Mr. Harry F. McKee
Star Rte, Box 75
Capt. Cook, Hawaii 96704

Dear Mr. McKee:

This is in response to your letter of July 14, 1972 relating to the establishment of a sub-post office operation in Kau, Hawaii.

Please be advised that Special Permit (T)62-21 granted by the Land Use Commission on October 24, 1962 allows the construction and operation of a restaurant, bar, (real estate) office, and motel only. It does not provide for the establishment of a sub-post office on the property in question. Therefore, if you desire to pursue the matter, a new special permit application should be filed with the Hawaii County Planning Commission, together with supporting data and maps. Application forms for special permits are available at the Hawaii County Planning Department at 25 Aupuni Street, Hilo, Hawaii, 96720; telephone number 935-8175.

Enclosed for your information is Sub Part E of the Land Use District Regulations dealing with special permits. If there are any further questions, please feel free to contact us.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Encl.

July 14, 1972

3155
RECEIVED

JUL 17 1972

State of Hawaii
LAND USE COMMISSION

TO: State Land Use Commission
U. S. Post Office, Hilo
U. S. Post Office, Honolulu
County Planning Department

GENTLEMEN:

For purposes of convenience and accessibility to the residents in the area, the undersigned hereby applies for an Amended Variance in order to install a Sub Post Office operation in Hawaiian Ocean View Estates, Kau, Hawaii.

An existing 18x20' structure as indicated on the enclosed plot map can easily be adapted for a Sub-Post Office operation with the installation of lock mail boxes and with sufficient space to conduct other post office business incidental to a sub-post office operation.

A copy of the Special Permit granting the use of this parcel 3rd 9-2-83-21 for use as a restaurant, bar and office is enclosed herewith. The restaurant building has been completed and hope-fully equipment and furnishings will be installed in the near future. Thus, a post office would be a harmonious addition to the present designated use of this parcel.

The location of the proposed Post Office would be in the geographic center of the Hawaiian Ocean View Estates subdivision, and is located on the Highway 11, with ample parking with ingress and egress.

The undersigned also requests that if a Special Permit is required on the above that necessary forms and details be forwarded. Also any application fees or bonds will be furnished by the undersigned applicant on request.

Respectfully submitted:

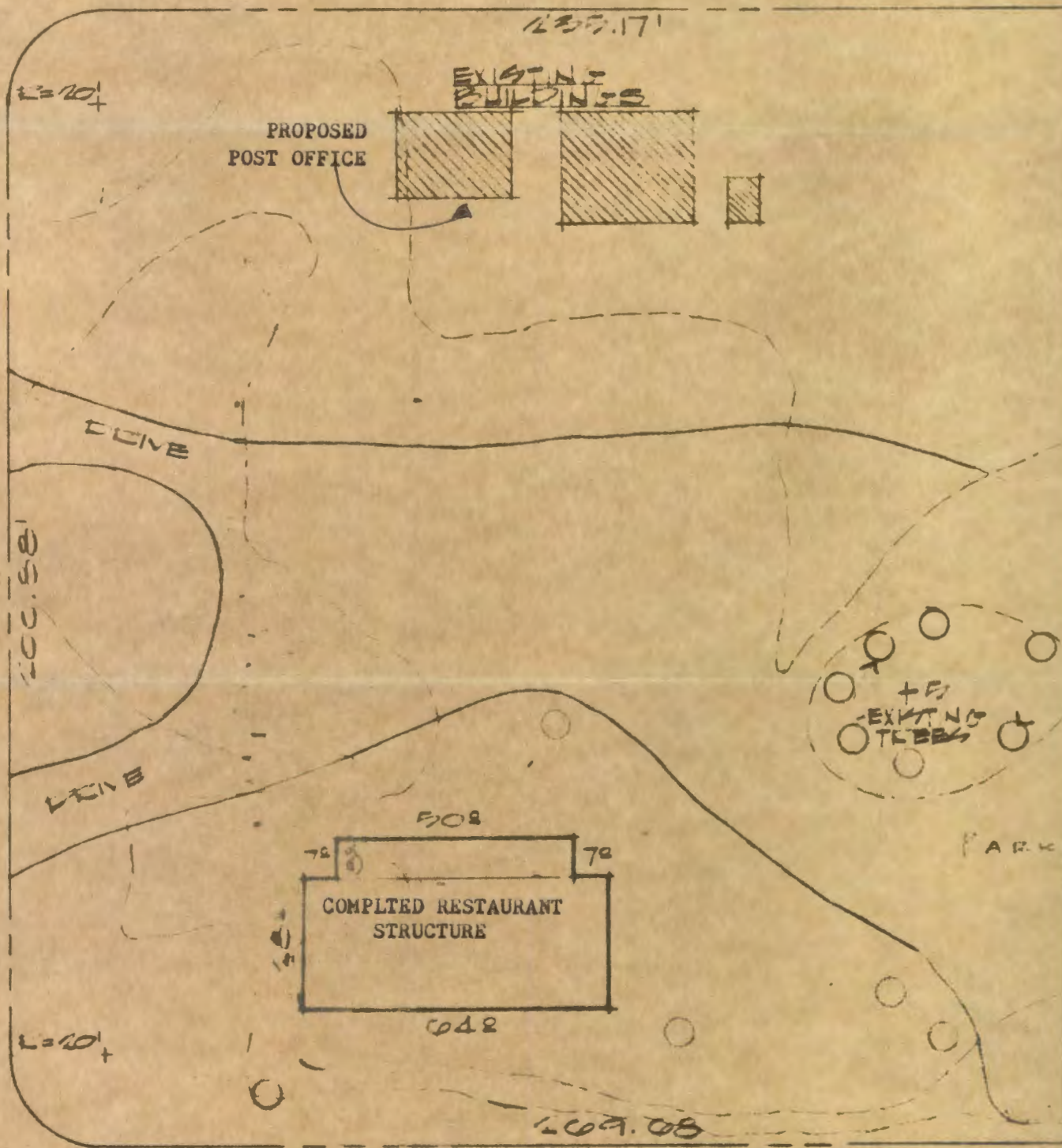
Harry F. McKee
Harry F. McKee,
Star Rte, Box 75
Capt Cook, Hawaii 96704

1246.70

+ 0 FT.

+ 2

HAWAII BLVD.



HIGHWAY #11 - KAMALOHA HIGHWAY

SITE AND PLOT PLAN

SCALE: 1/32"

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

LUC File	SP(I) 62-21
Applicant(s)	Harry F. Sakae
Public Hearing at	Kailua-Lono, Hawaii
on	September 18, 1962

SPECIAL PERMIT

The Land Use Commission of the State of Hawaii, pursuant to hearing and consideration required by the provisions of Act 187, SLH 1961, hereby grants special permission to use the following described property:

(County) Hawaii (Island) Hawaii

Third Division, TRK 9-2-31: 49, 50, 51; 9-2-33: 21

for the following purpose(s):

Construct and operate a restaurant, bar, office and motel facilities.

subject to the following conditions, in the interest(s) of proper commercial development for the area, as well as appearance to the traveling public, convenience and safety:

1. That approval of the County of Hawaii be secured for all uses, which may, if the County approves, include a restaurant and bar business and an office on TRK 9-2-33: 21, and a motel on the site comprised of TRK 9-2-31: 49, 50, 51;
2. That approval of the County of Hawaii be secured for all structures and improvements, and for siting, arrangement and exterior design of same, for design of vehicular access, egress, circulation and parking layout, and for landscaping; and
3. That the County of Hawaii may require and specify allowable upper limits of density of occupancy, maximum building heights, minimum setbacks and distances between buildings, adequate utilities and adequate offstreet parking to serve the approved uses; and may require that the property be landscaped in keeping with resort use and the surrounding area, and to screen unsightly areas from public view.
4. That approval of the State Department of Transportation be secured for any vehicular access to the property from Hamakua Highway.

NOTE: This permit is granted with the understanding that additional public facilities and services, in the form of roads, domestic water, police and fire protection, etc., may not be made available to this area for a number of years in the future.

(Signed) _____

(Title) Executive Officer

Date of Grant October 24, 1962

ROBERT BATCHELOR

9662

ARCHITECT

PIER 3

SAN FRANCISCO 94111

(415) 781-7320

June 21, 1971

Ramon Duran, Executive Officer
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

RECEIVED

JUN 25 1971

State of Hawaii
LAND USE COMMISSION

Dear Mr. Duran:

Attached is a copy of a letter I have just sent to Colbert T. Nozaki, the Building Inspector in the Hawaiian Ocean View Estates area of the big island. Since it has been about 2 1/2 years since you and I first met regarding this proposed development, I'm sure that as far as your records are concerned you are going to be just as happy as the Owners to see the first phase of this development completed.

Although it has taken them considerably longer than anyone ever anticipated just to reach this final stage of the construction, I cannot help but feel that if anything they are to be congratulated rather than chastised. As I know you both understand and appreciate they were simply not able to secure any decent financing whatsoever for this proposed development. Consequently, the entire costs of what has been built to date has had to come out of their own pockets.

Very truly yours,

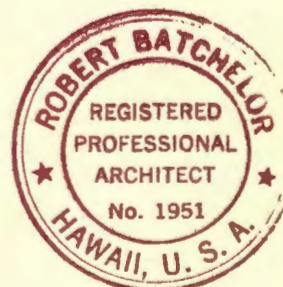
Robert Batchelor

Robert Batchelor

RB:bl

cc: Colbert T. Nozaki
John V. Mattson
K. C. Pettingill

Encl:



*Re McKee Spec. Part
SP(T) 20
Hawai Ocean View EST
Kauai, Hawaii*

ROBERT BATCHELOR

ARCHITECT

PIER 3

SAN FRANCISCO 94111

(415) 781-7320

June 21, 1971

Colbert T. Nozaki, Building Inspector
P. O. Box 3015
Kamalumu, Kona
Hawaii

SUBJECT: Lot 1, Block 68 and Lots 20, 22 & 24, Block 69
Hawaiian Ocean View Estates

Dear Mr. Nozaki:

By way of introduction let me say that I'm the architect that John Mattson retained several years ago to develop the drawings he needed for a restaurant development in Hawaiian Ocean View Estates. Although I have occasion to make many trips to the big island the past year or so, both to inspect this job and others, I'm sorry that we have never been able to get together. For this I must take the blame since time always seemed to be working against me.

However, I'm happy to say that the reason I'm writing this memo is to pass on some good news and information. Several days ago I had a meeting with John Mattson and several of the others who have invested in this development and was informed that they have already ordered and shipped the materials they needed to finish this job and that sometime next month are planning to return to the Islands and stay there until the work is actually completed. I'm sure that this uncompleted structure has been somewhat of a problem to you, as the Building Inspector, as well as to some of the neighbors. Although I would not presume to even second guess as to when the work will be finished, I don't imagine it will take very long after they once again start.

The last time I inspected the building it had been closed-in and the workmen were just getting ready to install some of the interior finishes. Since they stopped working shortly after this inspection the building must be more or less in the same stage of construction as it was the last time I saw it.

My reason for writing to you at this time is twofold. First of all, I wanted to let you know, on behalf of the Owners, that the end of the construction itself is now in sight. Secondly, and perhaps even more important as far as you and I are concerned, is to comment on the actual structure.

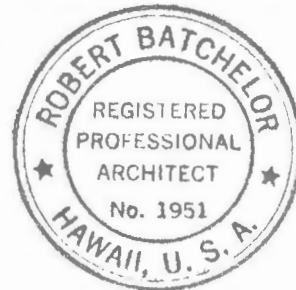
Colbert T. Nozaki, Building Inspector
June 21, 1971

Since this is only a one story building the chances of something going wrong are rather nill. However, I did notice during my last trip that the builders had made a number of changes from what had been indicated on the drawings. What I would like to find out from you is have all of these changes been made with your approval. Also, is their any additional work you would like to see performed other than the installation of the interior finishes?

I would appreciate hearing from you at your earliest convenience.

Very truly yours,


Robert Batchelor



RB:bl

cc: John V. Mattson
Ramon Duran, Executive Officer, Land Use Commission
K. C. Pettingill, Job Foreman

ROBERT BATCHELOR

ARCHITECT

PIER 3

SAN FRANCISCO 94111

(415) 781-7320

June 21, 1971

Mr. K. C. Pettingill
Star Route, Box 125B
Captain Cook
Hawaii 96704

Dear "Clain":

Attached is a copy of a memo I have just sent to the Land Use Commission and to Colbert T. Nozaki, the Building Inspector. Since I'm not sure that I have Mr. Nozaki's correct address it might be a good idea if you took the time to call him just to be sure that he did receive his letter.

Since you are going to be the Job Foreman, if you have any questions whatsoever after the construction once again gets under way please never hesitate to contact me. John will know the best way to reach me.

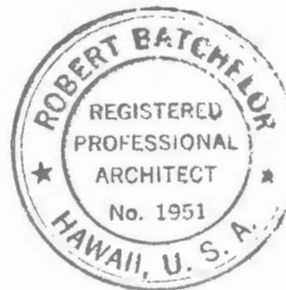
Very truly yours,



Robert Batchelor

RB:bl

cc: John Mattson
Colbert T. Nozaki
Ramon Duran



ROBERT BATCHELOR

*File:
Mc Kee
Spec. Pmt. - Hawaii*

ARCHITECT

PIER 3

SAN FRANCISCO 11

(415) 781-7320

RECEIVED

JUN 18 1969

State of Hawaii
LAND USE COMMISSION

June 13, 1969

Donald S. Tong, Planner
County of Hawaii Planning Department
Hilo, Hawaii

Subject: Hawaiian Ocean View Estates, Lot 1, Block 68, and Lots 20, 22, and 24, Block 69.

Dear Don:

Pursuant to the request you made last week during our telephone conversation I called Mr. Duran in Honolulu. Since I had previously sent him a copy of my May 31st letter to you as well as prints of the same drawings that you have also received he was aware of the development's progress.

Among other things he said that the only concern of the Land Use Commission at this time was to be assured that some reasonable progress was being made for the proper development of this site. Since the necessary architectural and structural drawings have been substantially developed, and since Mr. Mattson, the developer, wishes to proceed immediately with the construction of the restaurant building, it was Mr. Duran's suggestion that we file for a Building Permit and continue to work directly with your office.

Therefore, I have put my registration stamp and my signature on two sets of prints which I have given to Mr. Mattson. I'm also going to give him the original of this letter which he can then personally hand to you the first of next week. It is his intentions to then take the two sets of prints and formally file for a Building Permit.

If you have any questions whatsoever will you please give these to Mr. Mattson so that he in turn can pass the information on to me.

Very truly yours,

Robert Batchelor

Robert Batchelor

RB:es

cc: Ramon Duran, Executive Officer, State Land Use Commission
Harry McKee
John V. Mattson
Amele Mac Tarlton

Encl:

ROBER. BATCHELOR

ARCHITECT

PIER 3

SAN FRANCISCO 11

(415) 781-7320

May 31, 1969

Donald S. Tong, Planner
County of Hawaii Planning Department
Hilo, Hawaii

State of Hawaii
LAND USE COMMISSION

Subject: Hawaiian Ocean View Estates, Lot 1, Block 68, and Lots 20, 22 and 24, Block 69.

Dear Don:

Enclosed with this memo are prints of some of the architectural drawings my office is currently working on for a restaurant building to be located on the property noted above. As you will note the Restaurant Building itself and the adjacent parking area will only occupy Lot 1 which has an area of approximately 69,600 sq. ft.

It is the Owner's intention to build motel units on Lots 20, 22 and 24 in Block 69 after the restaurant has been in operation for a while and after realistic traffic studies have been made as to the actual potential need for accommodations in this area of the island.

During the brief meeting that we had in your office several months ago you indicated that I should assume a density factor of 1,250 sq. ft. of land area per motel unit. Since there are approximately 133,680 sq. ft. in the 3 parcels the maximum would then be 106 motel units.

On the assumption that the eventual motel development would be a series of one and two story structures I have made numerous site plan studies. In every solution, and regardless of which combination of one and two story structures I designed, I came to the inescapable conclusion that this number of units would in no way crowd the site. As a matter of fact quite the contrary is true. With proper grading all of the larger trees could be saved and there would still be quite ample room for a large swimming pool and landscaped areas.

Attached to this memo are 3 colored photographs of the property I took during my last inspection trip. As you will note I used this same view when drawing the prospective sketch so that you, the Planning Commission and the Land Use Commission would have a very realistic and true picture as to how the restaurant will appear from the highway.

As for the restaurant building itself you'll also notice that it is considerably larger than the building that was indicated on the first set of drawings presented by Mr. Mattson. I'm happy to say that after living in the area during this past March and April he returned to San Francisco with so much enthusiasm over the potential success of this development that he had me

Page 2

Donald S. Tong, Planner

completely redesign and up-grade the structure. Aesthetically, it is going to be one of the finest looking buildings on the entire island.

Within the next week or so Mr. Mattson is once again going to return to the island and will stop by to see you. At that time I would appreciate your passing on to him any comments you may have regarding either the restaurant building or the entire development. He can then pass this information on to me. The drawings are being sent to you at this time only for the purpose of giving you an opportunity to give them a preliminary review at your convenience. When you do have this meeting with Mr. Mattson you can then let him know how many sets of drawings and what procedures should be used when making a formal submittal.

It's my understanding that the full Planning Commission will have to act on this matter. Since I am just starting the preliminary drawings for a relatively large hospital in Honolulu it would appear that I am going to continue making frequent trips to the island. Therefore, as soon as I know the date when the Planning Commission will meet to formally hear this matter I'll rearrange my own schedule accordingly so that both Mr. Mattson and I will be able to make an appearance to describe the project to the Commission.

When Mr. Mattson does see you he'll show you a number of other photographs I took of the property. I'm also going to send a copy of this letter and set of prints to Mr. Duran so that he will have some idea as to what progress we're making.

Looking forward to seeing you again in the not too distant future.

Very truly yours,

Robert Batchelor

RB:es

cc: Ramon Duran, Executive Officer, State Land Use Commission
Harry McKee
John V. Mattson
Amele Mac Tarlton

Encl:

March 5, 1969

Mr. Raymond Suefuji, Director
Planning Commission
County of Hawaii
25 Aupuni Street
Hilo, Hawaii

Dear Mr. Suefuji:

Subject: Rescinding Special Permit to Harry McKee
LUC File - SP62-21

Pursuant to your Commission's request to initiate steps to rescind the above Special Permit, please be advised that the Land Use Commission on February 7, 1969, voted to stay all action to revoke this Special Permit in view of the following events:

1. November 15, 1968 - The Land Use Commission received your Commission's request and requested that the Executive Officer request Harry McKee to show justification for the continuation of this Special Permit.
2. December 24, 1968 - Mr. Richard T. Ishida, attorney for Mr. McKee responded to the Land Use Commission's request and stated that construction plans for the restaurant, bar, office, and motel facilities were being prepared and that Corporation Construction, Limited, a local construction firm, is scheduled to be contractor. He also stated that materials for the construction had been purchased and were scheduled to be shipped from

Mr. Raymond Suefuhi, Director
March 5, 1969
Page 2

the Mainland on January 11, 1969, including the necessary construction tools. He also stated that documents to substantiate all of the foregoing would be submitted in the near future.

3. January 17, 1969 - The Land Use Commission at their regular meeting was advised of the contents of Mr. Ishida's letter. The Commission requested further investigation on this matter and a status report at their next meeting.
4. January 29, 1969 - In response to the Commission's request, a letter was received from Mr. Robert Batchelor, a San Francisco architect, which stated that he was recently retained by Mr. John Mattson and a Mr. Amele Tarlton to develop site plans for a restaurant and motel project. He also advised that a 50-year lease agreement with a 49-year lease renewal clause was arranged between these two parties and Mr. McKee, dated May 8, 1968. He also agreed to meet with the Land Use Commission and any other governing body to resolve any questions relating to the use of this property. A copy of this letter was sent to Donald Tong of your department. He indicated that working drawings would probably be filed within several weeks after meeting with the Hawaii County Planning Department.
5. February 7, 1969 - At a regular meeting of the Land Use Commission in Honolulu, Mr. Batchelor's letter

Mr. Raymond Suefuji, Director
March 5, 1969
Page 3

was discussed; and the Commission voted to stay all action to revoke this Special Permit and requested that the Executive Officer continue to obtain progress reports on this project from time to time and report to the Commission any significant deviation from the tentative schedule.

6. February 8, 1969 - The Land Use Commission received a letter from Mr. Ishida, attorney, which included a copy of the lease assuring the Land Use Commission that the lessees intend to complete their planned venture and offering to have Mr. McKee appear before the Commission if necessary.

At the present time it appears as though this project is again active as a result of your Commission's inquiry. If for any reason in the future it appears that this Special Permit is again dormant, all indications are that the Commission will initiate proceedings to void this Special Permit:

If there are any questions concerning this matter, contact this office; and we will be pleased to cooperate.

Very truly yours,

RAMON DURAN
Executive Officer

February 13, 1969

Mr. Richard T. Ishida
Attorney at Law
P. O. Box 826
Kealahou, Kona, Hawaii 96750

Dear Mr. Ishida:

This is to acknowledge your letter of February 8, 1969 regarding Mr. McKee's special permit to construct a restaurant-bar operation.

In response to the question you raised, we are enclosing a copy of our letter addressed to Mr. Robert Batchelor indicating the Land Use Commission's action on February 7, 1969 regarding this matter.

Very truly yours,

RAMON DURAN
Executive Officer

Encl.

cc: to Hawaii Planning Commission with copy of
Ishida's letter

*Mr. Batchelor stopped by
LUC office 2-27-69 to review progress
expected construction on site in June.*

2660

RICHARD T. ISHIDA
ATTORNEY AT LAW
FINANCE FACTORS BUILDING
POST OFFICE BOX 826
KEALAKEKUA, KONA, HAWAII 96750
TELEPHONE 233-464

February 8, 1969

RECEIVED

FEB 12 1969

State of Hawaii
LAND USE COMMISSION

Mr. Ramon Duran
Executive Officer
Land Use Commission
State of Hawaii
426 Queen Street
Honolulu, Hawaii 96813

RE: SP(T) To Construct and Operate Restaurant, Bar,
Office and Motel Facilities on Parcels TMK
9-2-81: 49, 50, 51; and 9-2-83: 21, Third Division

Dear Mr. Duran:

Since receipt of your letter dated January 20, 1969 I immediately contacted Mr. Harry McKee, my client, for documents to support his position that the current lessees of the above-captioned parcels are in the midst of completing certain plans for construction upon said parcels.

We have not as of this date received any documents from them, however, my client is in receipt of a copy of a letter addressed to you from Robert Batchelor, the lessee's architect. I note that he has discussed the plans of the lessees concerning the above-captioned parcels.

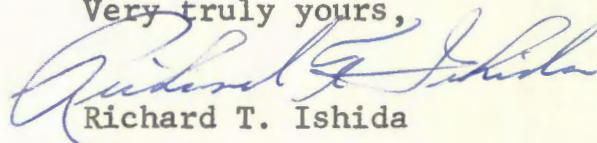
In any event, I am enclosing a copy of the lease entered into by my client, Mr. McKee and Messrs. Mattson and Mac Tarlton.

I trust that the information you have as to the planned construction upon the above-captioned parcels will be sufficient for the Commission to defer action upon the special permit, or allow the lessees reasonable to complete their planned venture. In any event, Mr. McKee will be willing to attend the next commission meeting should it be necessary.

RICHARD T. ISHIDA
ATTORNEY AT LAW

Mr. Ramon Duran
February 8, 1969
Page 2

May I be informed whether such attendance by Mr.
McKee will be necessary.

Very truly yours,

Richard T. Ishida

Encl.

RECORDATION REQUESTED BY:)
AFTER RECORDATION, RETURN TO:)
RETURN BY: MAIL () PICKUP ())

LEASE AGREEMENT

THIS INDENTURE made this 8th day of May, 1968, by and between HARRY MCKEE, whose mailing address is Star Route, Box 75, Captain Cook, Hawaii, 96704, hereinafter called the "Lessor", and JOHN V. MATTSO, whose residence and mailing address is 20 Serrano Drive, San Francisco, California 94132, and AMELE MAC TARLTON, whose residence and mailing address is 65 Bel Mar, Daly City, California 94015, hereinafter called the "Lessee";

W I T N E S S E T H T H A T:

THE LESSOR, in consideration of the rent hereinafter reserved, and of the covenants herein contained and on the part of the Lessee to be observed and performed, hereby rents and leases to Lessee, and Lessee hires and takes from Lessor, to occupy and use for authorized purposes, those certain premises described as follows:

Lot 1, Block 68, area 69,667 square feet, situate in the County and State of Hawaii, as shown on the map of Hawaiian Ocean View Estates, duly recorded in the Bureau of Conveyances of the State of Hawaii as file plan No. 738, being a portion of the lands conveyed to the Lessor herein, by deed recorded in the Bureau of Conveyances.

Lots No. 20, 22 and 24 in Block 69, area 154,076 square feet, situate in the County and State of Hawaii, as shown on the map of Hawaiian Ocean View Estates, duly recorded in the Bureau of Conveyances of the State of Hawaii as file plan 738, being a portion of the lands conveyed to the Lessor, herein, by deed recorded in the Bureau of Conveyances.

TO HAVE AND TO HOLD THE same, together with the rights, easements, privileges and appurtenances thereunto belonging or appertaining, unto Lessee for the term of FIFTY (50) YEARS commencing on the 18th day of April, 1968, and terminating on the 17th day of April, 2018, subject to extension as herein provided, Lessee yielding and paying therefor unto Lessor during the first FIVE (5) YEARS, the sum of ONE HUNDRED AND NO/100 DOLLARS (\$100.00) per month. Said amount shall be paid to Lessor on the 1st day of each and every month in advance. After FIVE (5) YEARS the rent shall be negotiated by the parties herein on a gross percentage of receipts basis; however, in no event shall said rent be less than FIVE HUNDRED DOLLARS (\$500.00) per month.

AND LESSOR hereby covenants and agrees with Lessee as follows:

1. Upon payment of the rent as aforesaid and upon observance and performance of the covenants by Lessee herein-after contained, Lessee shall peaceably hold and enjoy said premises for the term hereby rented and leased without hindrance or interruption by Lessor, his heirs, executors, administrators, assigns or any other person or persons lawfully claiming by, through or under them except as herein expressly provided.

2. Lessee shall have the right of possession of said premises, excluding the present structures and improvements thereon, upon the execution of this Lease Agreement.

AND THE LESSEE hereby covenants and agrees with the Lessor as follows:

1. RENT: Lessee will pay the rent in legal tender of the United States of America as above-mentioned without notice or demand, at the Lessor's address above-mentioned or at any other place designated by said Lessor in writing;

2. ASSIGN, MORTGAGE, SUBLET: Lessee will not assign or mortgage this Lease or sublet the whole or any portion of the demised premises without the prior written consent of the Lessor, provided, however, that the Lessor shall not arbitrarily or unreasonably withhold such consent and provided, further, that the Lessor shall not require the payment of any money as a condition of giving such consent, except to cover any costs or fees thereby incurred;

3. TAXES AND OTHER CHARGES: Lessee will pay or cause to be paid at least ten (10) days before the same become delinquent all taxes, assessments, rates, charges and other outgoings of every description to which said premises or any part thereof or any improvements thereon, or Lessor or Lessee in respect thereof, may at any time during said term be assessed or become liable, whether the same shall be assessed to or payable by Lessor or Lessee provided, however, that with respect to any assessment made under any betterment or improvement in law which may be payable in installments, Lessee shall be required to pay only such installments of principal together with interest on unpaid balances thereof as shall become due and payable during said term;

4. IMPROVEMENTS REQUIRED BY LAW: Lessee will at Lessee's own expense during the whole of said term make, build, maintain, and repair all fences, sewers, drains, roads, curbs, sidewalks and parking areas which may be required by law to be made, built, maintained and repaired upon or adjoining or in connection with or for the use of said premises or any part thereof;

5. OBSERVANCE OF LAWS: Lessee will at all times during said term keep said premises in a reasonably clean, orderly and sanitary condition and observe and perform all laws, ordinances, rules and regulations now or hereafter made by any governmental authority for the time being applicable to said premises or any improvement thereon or use thereof, and will indemnify and hold Lessor harmless against all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of said laws, ordinances, rules, and regulations or of this covenant;

6. REPAIR OF IMPROVEMENTS: Lessee will at Lessee's own expense from time to time and at all times during said term keep all buildings and improvements now or hereafter built on the land hereby demised in good order, condition and repair, reasonable wear and use thereof and damage resulting from acts of God other than fire and extended coverage risks excepted;

7. INSPECTION: Lessee will permit Lessor and Lessor's agents at all reasonable times during said term to enter said premises and examine the state of development and repair and conditions thereof, or to exhibit the premises to prospective tenants, purchasers or others. Lessee will repair and make good at Lessee's own expense all defects required by the provisions of this Lease to be repaired by Lessee of which notice shall be given by Lessor or Lessor's agents within thirty (30) days after the giving of such notice or such other reasonable time as may be specified therein. If Lessee fails to make the necessary repairs within the time stipulated, Lessor may make or cause such repairs to be made. If Lessor makes or causes such repairs to be made, Lessee will forthwith pay to Lessor the cost thereof on demand.

8. BONDS AND LIENS: Before commencing any work on said premises for the development thereof or the construction of any improvements thereon, Lessee will deposit with Lessor a bond in an amount not less than the cost of such work, in form and with surety satisfactory to Lessor, guaranteeing the completion thereof free and clear of any mechanics' and materialmen's liens, and will also post with any governmental authority having jurisdiction thereof any bond required for such work. Lessee will pay or cause to be paid all charges and costs whatsoever for labor, materials, supplies, equipment and services of every nature directly or indirectly used for or in connection with such work. Lessee will not at any time commit or suffer any act or neglect whereby said premises or any improvement thereon or the estate of Lessee therein shall at any time during said term become subject to any attachment, judgment, lien, charge or encumbrance whatsoever other than that approved by Lessor and will indemnify and hold Lessor harmless against all loss, cost and expenses whatsoever with respect thereto;

9. RISK OF LOSS: Lessee will keep all goods, wares, merchandise, furniture, fixtures and all other property of the Lessee on the demised premises at the sole risk of the Lessee;

10. INDEMNITY: Lessee will indemnify and hold Lessor harmless against all claims and demands for loss or damage, including property damage, personal injury and wrongful death, arising out of or in connection with the use or occupancy of the demised premises by Lessee or any person claiming under Lessee, or any accident or fire on said premises or any nuisance made or suffered thereon, or any failure by Lessee to keep said premises in a safe condition, and will reimburse Lessor for all Lessor's costs and expenses, including reasonable attorneys' fees incurred in connection with the defense of any such claims,

and will at Lessee's own expense at all times maintain with respect to said premises comprehensive general liability insurance with minimum limits of not less than \$300,000.00 for injury to one person and not less than \$500,000.00 for injury to more than one person in any one accident or occurrence and also insurance in a sum not less than \$20,000.00 against claims for property damage in an insurance company or companies qualified to do business in the State of Hawaii, and will from time to time upon receipt thereof deposit promptly with Lessor current certificates of such insurance. Such policy or policies shall name Lessor as additional insured and shall cover the entire demised premises;

11. FIRE INSURANCE: Lessee will at Lessee's own expense at all times during said term keep insured all buildings erected on the land hereby demised during said term against loss or damage by fire with extended coverage, and in time of war against war damage to the extent such governmental insurance is obtainable at reasonable cost, in the joint names of Lessor and Lessee, in some insurance company or companies qualified to do business in the State of Hawaii, and in a sum equal to the full insurance value of said buildings, and will for that purpose pay all premiums and sums of money payable in respect of such insurance, and will from time to time forthwith after receiving the same deposit with Lessor the policy or policies of insurance and the receipt for every premium and sum of money as paid, and in case the said buildings be destroyed or damaged by fire or other such casualty, then as often as the same shall happen, all moneys received in respect of such insurance shall, with all convenient speed, be laid out by Lessee in rebuilding, repairing, or otherwise reinstating the buildings in a good and substantial

manner according to the plan and specification of the buildings so destroyed or damaged by fire or other such casualty or according to such modified plan as shall be previously approved by Lessor in writing;

12. LESSOR'S EXPENSES: Lessee will pay to Lessor upon demand all costs and expenses including reasonable attorneys' fees incurred by Lessor in enforcing any of the covenants of Lessee herein contained or in remedying any breach thereof, in recovering possession of the demised premises or any part thereof, or in collecting any delinquent rent, taxes or other charges hereunder payable by Lessee;

13. WASTE AND UNLAWFUL USE: Lessee will not at any time make or suffer any strip or waste or unlawful, improper, or offensive use of said premises or any part thereof, or any use of said premises other than for the purpose of development thereof in accordance with the provisions of this Lease;

14. UTILITY CHARGES: Lessee shall pay for all utility charges;

15. IMPAIRMENT OF INSURANCE: Lessee will not carry any merchandise or do anything on the demised premises which will in any way impair or invalidate the obligation of any policy of insurance on the premises, or in any way tend to increase the insurance rates on the premises;

16. SURRENDER: At the end of said term, or other sooner determination of this Lease, Lessee will peaceably deliver up to Lessor possession of the land hereby demised, together with all buildings and other improvements upon or belonging to the same, by whomsoever made, in good repair, order and condition, reasonable wear and tear excepted.

AND IT IS HEREBY MUTUALLY AGREED by and between the Lessor and Lessee as follows:

1. CONDEMNATION: In the event that the demised premises or any part thereof, shall be condemned or the Lessee's use thereof restricted by order or requirement of any governmental agency, upon payment of any award or compensation arising from such restriction, or condemnation, the Lessee shall be entitled to such division of the proceeds, and abatement of rent and other adjustments as shall be just and equitable under all the circumstances.

If the parties hereto are unable to agree, within thirty (30) days after such award has been paid in Court, upon what division, annual abatement, and other adjustments are just and equitable, the matter shall be determined by three disinterested persons; one of whom shall be chosen by each of the parties hereto, and the two so chosen shall select a third. The decision of any two of the arbitrators shall be final and conclusive upon the parties hereto. This decision shall be in writing, signed in duplicate by any two of the said arbitrators and one copy shall be delivered to each of the parties hereto.

The party desiring arbitration as aforesaid shall give written notice to the other party of such desire, naming therein the arbitrator selected by him. In the event the other party shall fail, within a period of twenty (20) days after the giving of such notice, to name his arbitrator and to notify the other thereof in writing, then the party not in default may petition any Court of general equity jurisdiction within the County in which the demised premises are situated to appoint a disinterested person to fill the place remaining vacant within fifteen (15) days after the filing of said petition; in the event the two arbitrators so chosen or appointed shall fail within twenty (20) days to agree upon the third, then either party may petition the Court in the aforesaid manner.

2. NON-WAIVER OF BREACH: It is expressly agreed between Lessor and Lessee that the acceptance of rent or any other benefits by Lessor shall not be deemed to be a waiver by him of any breach by the Lessee of any covenant herein contained, nor of the Lessor's right of re-entry for breach of covenant or right to bring suit for summary possession.

3. RENEWAL: The Lessor agrees to give the Lessee the first right to re-lease said premises for an additional term of FORTY-NINE (49) YEARS at the expiration of the present lease agreement on the same conditions and terms as herein mentioned. Notice of renewal shall be given to the Lessor by the Lessee no later than six (6) months prior to the expiration of said lease.

4. COMMENCEMENT OF CONSTRUCTION: The Lessee agrees to commence construction of any improvements, the cost of which shall be not less than \$25,000.00, consistent with this Lease Agreement on said premises within one year from date hereof. In addition thereto, construction shall be completed within SIX (6) MONTHS after commencement; provided, however, that delay caused by an act of God or any major cause beyond the control of the parties hereto shall not be included within such SIX (6) MONTH period within which construction shall be completed. In the event that the construction of said improvements as afore-said is not commenced within one year, Lessee agrees to pay Lessor additional amounts over and above the lease rent herein-before mentioned as follows:

For each month's delay in the commencement or completion of said construction as herein required after the first year of the term of this lease, Lessee shall pay Lessor amounts according to the following schedule:

(a) For each month during the second year of said lease the sum of \$100.00;

(b) For each month during the third year of said lease the sum of \$200.00;

(c) For each month during the fourth year of said lease the sum of \$300.00;

(d) For each month during the fifth year of said lease the sum of \$400.00.

In the event no improvements have been constructed on said premises within the period of ^{five (5) years} ~~this lease~~ ~~to release said premises granted to Lessee in paragraph 3 above~~ shall be null and void and be of no effect.

5. The Lessee agrees to provide Lessor an area within the improvement to be constructed on said premises from which Lessor may conduct his real estate or insurance business. Said area shall have a dimension of not less than 10 feet by 10 feet.

6. Lessee shall not allow any other real estate or insurance business to be conducted upon said premises.

7. It is further agreed that all real estate sales activity relative to said premises shall be conducted by the Lessor.

8. The Lessee shall be responsible for his own water supply, since no water system is available near the site of said premises.

9. The terms "Lessor" and "Lessee" herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, and jointly and severally, individuals, firms or corporations, and their respective successors, executors, administrators and assigns, according to the context hereof.

IN WITNESS WHEREOF the parties hereto have executed these presents the day and year first above written.

LESSEE:

LESSOR:

JOHN V. MITCHELL

HARRY MCREE

WILLIAM MC PHEE

STATE OF HAWAII)

) ss.

COUNTY OF HAWAII)

On this 10th day of May, 1968, before me personally appeared HARRY McKEE, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Betty Nichols
Notary Public, Third Judicial Circuit
State of Hawaii

My Commission Expires: 10/30/68

STATE OF CALIFORNIA)

) ss.

COUNTY OF SAN FRANCISCO)

On this 8th day of May, 1968, before me personally appeared JOHN V. MATTSO and ANNE MAC TARTON, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Ann M. Johns
Notary Public in and for the City
and County of San Francisco,
State of California



ANN M. JOHNS
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF
SAN FRANCISCO
My Commission Expires Jan. 2, 1972

February 10, 1969

Mr. Robert Batchelor, Architect
Pier 3
San Francisco, California

Subject: Special Permit to Harry McKee to
construct and operate a Restaurant,
Bar, Office, and Motel Facility on
TMK 9-2-81: 49, 50, 51; and
TMK 9-2-83: 21, Hawaiian Ocean
View Estates

Dear Mr. Batchelor:

Your letter of January 29, 1969, was referred to the Land Use Commission on February 7, 1969, in Honolulu. Please be advised that the Commission has stayed all action to revoke this Special Permit in view of the contents of your letter.

The Commission has requested that I keep them advised of the progress of this project from time to time. Thus, I would appreciate periodic-progress reports particularly if they deviate from your tentative schedule for completing working drawings and filing for a building permit.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Hawaii County Planning Department

ROBERT BATCHELOR

LV meeting

2648

ARCHITECT

PIER 3

SAN FRANCISCO 11

(415) 781-7320

January 29, 1969

Ramon Duran, Executive Officer
State Land Use Commission
426 South Queen Street
Honolulu, Hawaii

RECEIVED

JAN 30 1969

State of Hawaii
LAND USE COMMISSION

Subject: Lot 1, Block 68, and Lots 20, 22 and 24, Block 69
Hawaiian Ocean View Estates

Dear Mr. Duran:

I would like to thank you for the time and courtesies extended to me yesterday afternoon during my telephone call to your office. It was most appreciated.

In order to avoid any possible misunderstanding I would like to very briefly review my own limited knowledge of the background of this property and several of the items we discussed relative to it's development.

Among other things it is my understanding that approximately 6 years ago a Special Permit was granted Mr. Harry McKee to develop the above parcels for commercial purposes. Since the property has not been developed during this time it is also my understanding that the Land Use Commission is now considering taking action to revoke the Special Permit.

I was recently retained by Mr. John Mattson and Mr. Amele Tarlton to develop site plan studies for a restaurant and motel project and then develop the final working drawings for the restaurant building. I have in my possession the lease agreement they have with Mr. McKee dated May 8, 1968. This lease is for 50 years with a 49 year renewal clause. In addition to developing the drawings mentioned above Mr. Mattson and Mr. Tarlton have requested that I meet with the Commission, if necessary, or any other governing body, to be absolutely sure that all questions relating to the use of this property have been resolved. Since a general contractor has not been selected they have also requested that I file the necessary Building Permit Applications with the County immediately upon finishing the drawings.

Just before calling you I did call the County and had a brief conversation with Don Tong. He advised me of the fact that any development on this property is subject to Architectural Review. He is sending me an up-to-date Zoning Ordinance and Planning Code since my documents are several years old.

Ramon Duran, Executive Officer

Page 2

January 29, 1969

In closing let me say that I have been told by my clients that they are most anxious to proceed with the development of the drawings and actual construction once they are assured of the fact that there are no land use problems. I anticipate once again making the trip to Hilo in the next 2 or 3 weeks for a plan check meeting with the County Planning and Building Department. The actual Building Permit Application and my finished working drawings would probably then be filed within several weeks after this meeting.

Please let me know if you need any additional information.

Very truly yours,

Robert Batchelor
By RB

Robert Batchelor

RB:pb

cc: Harry McKee
John V. Mattson
Amele Mac Tarlton
Donald Tong

MEMO FOR FILES

SP(T) 62-21 - HARRY F. McKEE, Kau District, Hawaii

I received a long-distance call from San Francisco from a Mr. Bob Bachelor, architect, who has been in contact with Donald Tong of the Hawaii County Planning Commission and was advised to contact me regarding preparation of plans for a restaurant and motel on the McKee property. He advised that a Mr. John Matson (a man of considerable means) has requested that he begin immediately to prepare design and construction plans for this facility. He also stated that Mr. Matson has a 50-year lease on the property with an additional 49-year first option.

Mr. Bachelor advised that he has done 52 Holiday Inns and over 40 Howard Johnson Restaurants and that he is competent, registered to practice in Hawaii, and qualified to execute the project. He did, however, mention that he has been to Hawaii about ten times in the last two years and that he is familiar with the South Point area and can't understand why anyone would want to build a restaurant and motel facility in that area. He did, however, state that he will confirm our conversation by letter to assure the Commission that progress is now being made on the special permit and he will include a timetable for development.

R. Duran

January 20, 1969

Mr. Richard T. Ishida
Attorney At Law
Finance Factors Building
P. O. Box 826
Kealahou, Kona, Hawaii 96750

Dear Mr. Ishida:

Subject: SP(T) 62-21 To Construct and Operate
Restaurant, Bar, Office, and Motel
Facilities on Parcels TMK 9-2-81: 49,
50, 51; and 9-2-83: 21, Third Division

This is to advise you that we are in receipt
of your letter dated December 24, 1968, stating
that the project has been initiated, that
materials have been ordered from the Mainland,
and that further evidence would be forthcoming
within two weeks from date of your letter.

Please be advised that as of this date,
we have not received any further evidence
regarding the construction of this project.
The Land Use Commission, at their meeting of
January 17, 1969, in Honolulu, requested
further investigation on this matter and a
status report at their next meeting. Therefore,
your expeditious reply would be sincerely
appreciated.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Raymond Suefuji

2617

RICHARD T. ISHIDA
ATTORNEY AT LAW
FINANCE FACTORS BUILDING
POST OFFICE BOX 826
KEALAKEKUA, KONA, HAWAII 96750
TELEPHONE 233-464

RECEIVED
DEC 26 1968
State of Hawaii
LAND USE COMMISSION

December 24, 1968

Mr. Ramon Duran
Executive Officer
Land Use Commission
State of Hawaii
426 Queen Street
Honolulu, Hawaii 96813

Re: SP (T) To Construct and Operate Restaurant,
Bar, Office and Motel Facilities on Parcels
TMK 9-2-81: 49, 50, 51 and 92-83: 21, Third
Division.

Dear Mr. Duran:

Your letter to Mr. McKee dated December 10, 1968,
concerning the above captioned matter has been referred to
me.

In response to your request in said letter the
following information is hereby being submitted at this time:

The present construction plans for the property
above-mentioned calls for a restaurant-motel facility to be
built shortly. Tentatively Corp. Construction, Ltd., a local
construction firm is scheduled to be the contractor. Materials
for said construction has been purchased and is scheduled to be
shipped from the mainland on January 11, 1969. The necessary
tools for the construction has also been purchased and scheduled
to be shipped. The plans and specifications for the construction
are completed and will be submitted to the Building Department
of the County of Hawaii for approval. Documents to substantiate
all of the foregoing will be submitted to your office.

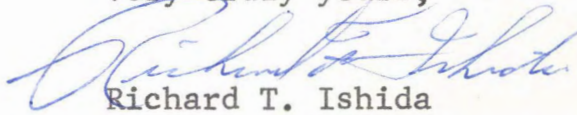
RICHARD T. ISHIDA
ATTORNEY AT LAW

Mr. Ramon Duran
Land Use Commission

December 24, 1968

This letter is being written solely for the purpose of informing you that Mr. McKee is currently actively planning to develop the property mentioned above in accordance with the special permit issued to him by the Land Use Commission. We are presently in process of gathering all the necessary documents which will be sent to you as soon as they are compiled, which we anticipate in about two weeks.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Richard T. Ishida", is written over a light-colored rectangular background.

Richard T. Ishida

RTI:jmf

cc: Planning Commission
Harry McKee

December 10, 1968

Mr. Harry F. McKee
Waiohinu
Kau, Hawaii

Dear Mr. McKee:

Subject: SP(T)62-21 To Construct and Operate
Restaurant, Bar, Office, and Motel
Facilities on Parcels TMK 9-2-81: 49,
50, 51; and 9-2-83: 21, Third Division

A letter to the Land Use Commission from
Raymond Suefuji, Planning Director, County of
Hawaii, was received which advised that the
Planning Commission recommended the above
subject permit be rescinded.

This permit, according to our records, was
issued over six years ago subject to several con-
ditions requiring County of Hawaii approval.
Building plans were also submitted in support
of the Special Permit showing a real estate
office as a part of the floor space in a com-
mercial building. Staff investigation of the
site indicated that a single-family residence
on one of the parcels is being used as a real
estate office.

The Land Use Commission considered the
County Planning Commission's recommendation and
has requested that you submit evidence to the
Commission on the progress being made to con-
struct and operate a restaurant, bar, office,
and motel facilities in order that the Commission
may evaluate County Planning Commission's request.

It would also be helpful if you would
include any documents showing that the existing

Mr. Harry F. McKee
Page 2
December 10, 1968

real estate office has received the approval of the County pursuant to the Special Permit conditions imposed by the County and the Land Use Commission on October 24, 1962.

Should you have any questions regarding this matter, feel free to contact this office.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Raymond Suefuji, Planning Director
County of Hawaii

RECEIVED

DEC 9 1968

State of Hawaii
LAND USE COMMISSION

December 6, 1968

Mr. Raymond H. Suefuji
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Re: Special Permit to Construct and Operate a Restaurant
Bar, Office and Motel Facilities on Lots in Hawaiian
Ocean View Estates Subdivision, Kahuku, Kau, Hawaii.

Dear Mr. Suefuji:

This will acknowledge receipt of your letter addressed to Mr. Harry F. McKee dated November 20, 1968, concerning the above captioned matter. Needless to say Mr. McKee was quite alarmed to be advised of the action of the Planning Commission concerning Mr. McKee's special permit.

Mr. McKee is aware of the fact that some construction was anticipated to have been commenced earlier. However, while the Planning Commission is of the opinion that nothing has been done to date, please be advised that Mr. McKee has been operating his real estate office from the subject lot for some time. Also, in reliance of the special permit, Mr. McKee has entered into a lease agreement whereby the lessees are to commence construction of any improvements on said lots on or before May, 1969.

Since the special permit issued was open ended, it was anticipated or expected by Mr. McKee that should any steps be taken by the Land Use Commission or the Planning Commission of this County to affect the status of the special permit, he would be notified of such anticipated action. Since it is apparent that Mr. McKee had a special permit in effect for sometime it would appear to be only fair that before the Planning Commission took action upon the matter Mr. McKee be informed of what was anticipated.

Raymond H. Suefuji

December 6, 1968

Accordingly, we ask that the Planning Commission reconsider their action taken on September 27, 1968.

Very truly yours,

Richard T. Ishida

RTI:jmf

cc: Land Use Commission ✓

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kahilu Hall
Kamuela, Hawaii

November 15, 1968 - 12:00 p.m.

Commissioners Present: Wilbert Choi, Chairman Pro Tempore
Shelley Mark
Sunao Kido
Alexander Napier
Goro Inaba
Leslie Wung
Shiro Nishimura

Commissioners Absent: C. E. S. Burns, Jr.
Keigo Murakami

Staff Present: Ramon Duran, Executive Officer
Ah Sung Leong, Planner
Jack Morse, Legal Counsel
Dora Horikawa, Stenographer

Persons planning to testify during today's proceedings were duly sworn in by Chairman Choi.

HEARINGS

PETITION BY HISAHARU AND KIMIKO IKEDA (A68-198) TO RECLASSIFY 2.95 ACRES IN THE AGRICULTURAL DISTRICT INTO AN URBAN DISTRICT AT KAINALIU, KONA

Mr. Duran presented staff report recommending approval of the mauka portion of the property, comprising approximately one acre, since the property in question is in close proximity to trading and employment facilities, basic services are available, topography is satisfactory, and the land is contiguous to an existing Urban District (see copy of report on file).

A general description of existing uses and districts surrounding subject property was offered by Mr. Duran, with the aid of maps. A design showing the proposed supermarket and surrounding parking area was also presented. Mr. Duran elaborated that staff was recommending that one acre of the property in question be rezoned rather than the 2.95 acres to conform with the

See pg. 5

November 18, 1968

facilities by June, they could go to the County and initiate a request for an extension.

Commissioner Nishimura moved to amend the Land Use Commission's action of October 18, 1968, to incorporate alternative A recommended by the Attorney General's office (see copy of letter on file). The motion was seconded by Commissioner Inaba and unanimously passed.

NEXT MEETING DATE

November 29th on Molokai was set as the date for the next Land Use Commission meeting.

ASPO CONFERENCE

Mr. Duran reported that a savings of \$2,000 from the salary account in the LUC budget may be available for possibly two members to attend the 1969 ASPO Conference in April. However, insofar as the 1970 Conference is concerned, it would probably cost in the neighborhood of \$700 per conferee so that if 10 were to attend, it would mean an out-of-state travel request of \$7,000 in the budget.

RESCINDING OF SPECIAL PERMITS - COUNTY OF HAWAII

Mr. Duran called the Commission's attention to a letter received from the County of Hawaii requesting that the Land Use Commission rescind two special permits which were open-ended (with no definite construction date or failure to comply with construction date). Mr. Duran advised that this did not apply to the Ben Hess special permit mentioned in the letter since it did carry a time limitation and has expired.

However, in the case of Harry McKee, SP62-21, there was no cut-off date for the special permit to construct an office, restaurant, bar and hotel facilities. It was the County's feeling that ample time had elapsed for the construction to begin. Although a real estate office did exist, this was merely a conversion of an existing dwelling and not part of a new building as indicated in the special permit request.

It was Mr. Duran's feeling that the applicant should be given an opportunity to appear before the Commission and show justification for continuation of the special permit. Mr. Duran requested Mr. Morse to comment on the legal implications involved here.

November 15, 1968

Mr. Morse submitted that there was nothing in the statutes or the LUC Regulations governing open-end special permits. He felt that some guidance from the Attorney General's office as to whether the Commission could request petitioner to appear before this body to show cause why the permit should not be revoked might be advisable.

Chairman Choi directed the Executive Officer to write a letter to Mr. McKee requesting that he present evidence to the Commission to show cause for the delay in construction.

FIRST QUARTERLY PROGRESS REPORT FROM ECKBO, DEAN, AUSTIN AND WILLIAMS

Mr. Williams reported that he had been concentrating on the neighbor islands and that he would be completing the formal interviews by the end of November. Mr. Eckbo has conducted 20 interviews on Oahu, and all of the large landowners have been contacted. The questionnaires are presently being processed, and the responses have been encouraging. The petition and special permit analyses and the uses within the Conservation District are pretty much under control, ready to be transferred on to the punch cards.

Mr. Williams advised that two meetings had been held with the Hawaii Planning Director to discuss issues, two with the Maui Planning Director, one meeting with the Kauai Planning Director, and that he had an appointment for December 12 to meet with the Honolulu Planning Commission.

Commissioner Nishimura suggested that Mr. Williams contact Mr. Robinson about the rumored sale of Niihau Island.

Since there was no further business, the meeting was adjourned.



SHUNICHI KIMURA
CHAIRMAN AND EXECUTIVE OFFICER

RAYMOND H. SUEFUJI
PLANNING DIRECTOR

COUNTY PLANNING COMMISSION

COUNTY OF HAWAII
HILO, HAWAII 96720

November 12, 1968

RECEIVED

NOV 14 1968

State of Hawaii
LAND USE COMMISSION

Mr. Ramon Duran
Executive Officer
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Re: Rescinding of Special Permits

At its meeting of September 27, 1968, the Planning Commission took the following action:

It was unanimously agreed to recommend that the State Land Use Commission initiate steps to rescind those special permits which were open-ended (which had no date by which construction should start or those which had not complied with the starting date:

1. Ben Hess, File SP 66-32, which had an extension up to October 26, 1968, and which still has not begun construction.
2. Harry McKee, LUC File 62-21, recently converted a residence into a real estate office this summer which in part shows beginning of a commercial development. However, neither the restaurant, bar, office and motel facilities have been started.

The Commission feels that more than fair and adequate time has been allowed for these proposed developments.

We waited until after October 26, 1968, before writing you in order to give the developer, Ben Hess in this case, his full extension time.

Raymond H. Suefuji

Raymond H. Suefuji, Planning Director

DT:lat



OFFICE OF THE COUNTY CLERK
COUNTY OF HAWAII
HILO, HAWAII

November 26, 1962

401
RECEIVED

NOV 29 1962

State of Hawaii
LAND USE COMMISSION

IN REPLY REFER

TO: C-3204/PWC-26

Mr. Rowland J. Darnell
Executive Officer
Land Use Commission
426 S. Queen Street
Honolulu 13, Hawaii

Dear Mr. Darnell:

The Board of Supervisors of the County of Hawaii at its meeting of November 21, 1962, endorsed the action of the Planning & Traffic Commission regarding the special use permit of Harry F. McKee to construct and operate a restaurant, bar, real estate office on one lot.

Very truly yours,

(Mrs.) Margaret M. Kaaua
COUNTY CLERK

a

cc: Planning & Traffic Commission

Ref. No. LUC 222

November 8, 1962

Mrs. Margaret M. Kasua
County Clerk
Office of the County Clerk
County of Hawaii
Hilo, Hawaii

Dear Mrs. Kasua:

Enclosed is a copy of a Special Permit granted by the Land Use Commission
to:

Mr. Harry F. McKee - SP(T) 62-21

Very truly yours,

R. J. DARNELL
EXECUTIVE OFFICER

Enclosure

Ref. No. LUC 221

November 8, 1962

Mr. Hiroshi Kasamoto, Planning Director
Planning and Traffic Commission
County of Hawaii
Hilo, Hawaii

Dear Mr. Kasamoto:

Enclosed is a copy of a Special Permit granted by the Land Use Commission
to:

Mr. Harry F. McKee - SP(T) 62-21

Very truly yours,

R. J. DARNELL
EXECUTIVE OFFICER

Enclosure

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

LUC File	(T) 62-21
Applicant(s)	Harry F. McKee
Public Hearing at	Kailua-Kona, Hawaii
on	September 18, 1962

SPECIAL PERMIT

The Land Use Commission of the State of Hawaii, pursuant to hearing and consideration required by the provisions of Act 187, SLH 1961, hereby grants special permission to use the following described property:

(County) Hawaii (Island) Hawaii

Third Division, TMK 9-2-81: 49, 50, 51; 9-2-83: 21

for the following purpose(s):

Construct and operate a restaurant, bar, office and motel facilities.

subject to the following conditions, in the interest(s) of proper commercial development for the area, as well as appearance to the traveling public, convenience and safety:

1. That approval of the County of Hawaii be secured for all uses, which may, if the County approves, include a restaurant and bar business and an office on TMK 9-2-83: 21, and a motel on the site composed of TMK 9-2-81: 49, 50, 51;
2. That approval of the County of Hawaii be secured for all structures and improvements, and for siting, arrangement and exterior design of same; for design of vehicular access, egress, circulation and parking layout; and for landscaping; and
3. That the County of Hawaii may require and specify allowable upper limits of density of occupancy, maximum building heights, minimum setbacks and distances between buildings, adequate utilities and adequate offstreet parking to serve the approved uses; and may require that the property be landscaped in keeping with resort use and the surrounding area, and to screen unsightly areas from public view.
4. That approval of the State Department of Transportation be secured for any vehicular access to the property from Hamalanua Highway.

NOTE: This permit is granted with the understanding that additional public facilities and services, in the form of roads, domestic water, police and fire protection, etc., may not be made available to this area for a number of years in the future.

(Signed) _____

(Title) Executive Officer

Date of Grant October 24, 1962

McKEE APPLICATION, KAHUKU
SPECIAL USE PERMIT

Public Hearing held at 2:00 p.m., September 18, 1962, Kailua-Kona

Application has been made by Harry F. McKee for a special permit to construct and operate a restaurant, bar, real estate office on one lot and a motel operation on three adjacent lots in the Hawaiian Ocean View Estates subdivision.

The restaurant, bar and office are proposed on a one and one-half acre corner lot fronting on the Mamalahoe Highway, and the motel operation (1 or more buildings) is planned for on three lots approximately $3\frac{1}{2}$ acres in area.

The plan shows a building which includes a real estate office, snack shop with seven seats at the counter, a covered eating area (open), and living facilities. (Estimated cost is at least \$40,000.) The location of the BAR cannot be found in the plan. Also shown are areas in the building for generators and storage tank and pump and filter equipment. It is presumed that sewage disposal will be by cesspool. No FLOT PLAN is available showing parking, circulation or driveways. Details on the motel (density, cost, size, etc.) are not yet ready.

Mr. Nevels states that the owner himself will live there and operate the business. Construction will start immediately on approval of application since financing has been arranged.

We do not have any information whether restrictions were imposed by the subdivider in the use of any lot, although a shopping center block is designated a block away in the original subdivision plan. The subdivider has implied in advertising that there will be 11,000 one-acre residential lots in a "planned community." An answer from the subdivider on this question is expected soon.

The problem faced by the Planning Commission is the question of setting a precedent for other lots along the highway. Is it a question of first come, first served? There is also the knowledge that ^{neither} electricity, telephone, water, nor sewer service exists. Another difficulty is the lack of details on the motel facility planned and its possible construction date.

I recommend granting the special permit for the first building only now, in that a good eating and stopping place at about this location will be beneficial and will not affect surrounding area adversely; subject to the conditions covered by the Land Use Commission's staff report. The request for the motel should be considered on its merits when more details are available.



PLANNING AND TRAFFIC COMMISSION
COUNTY OF HAWAII
HILO, HAWAII, U. S. A.

October 2, 1962

Sent to Commissioners
to McKee file
RECEIVED
OCT 4 1962
State of Hawaii
LAND USE COMMISSION

Mr. Rowland J. Darnell
Executive Officer
Land Use Commission
426 S. Queen Street
Honolulu 13, Hawaii

Dear Mr. Darnell:

The Planning and Traffic Commission, at its special meeting of October 2, 1962, considered the application of Harry F. McKee for a special use permit to construct and operate a restaurant, bar, real estate office on one lot and a motel operation on three adjacent lots in the Hawaiian Ocean View Estates subdivision in Kahuku, Kau, Hawaii.

The Commission voted to recommend the granting of special use permit for the restaurant, office, and bar building only, in that a good eating and stopping place at about this location will be beneficial and will not affect surrounding area adversely; subject to the following:

1. The building be constructed to conditions covered by Land Use Commission's staff report.
2. Completion of the subdivision roadway so that access is provided only from that roadway and not from the government roadway.

The request for the motel will be considered on its merits when more details on it are available.

Yours very truly,

PLANNING AND TRAFFIC COMMISSION

Hiroshi Kasamoto
Hiroshi Kasamoto
Director

lat

cc L. N. Nevels, Jr.
Chairman & Board of Supervisors

STATE OF HAWAII
LAND USE COMMISSION

Kona Cultural Center
Kailua-Kona, Hawaii

2:00 P.M.
September 18, 1962

STAFF REPORT

SP(T) 62-21

Temporary District Classification: AGRICULTURAL

APPLICATION OF HARRY F. MCKEE (SP(T) 62-20), for Special Permit to construct and operate a restaurant, bar, office and motel on property adjacent to Mamalahoa Highway, South of Manuka State Park, Kau District, Hawaii: Described as TMK 9-2-81: 49,50,51 and 9-2-83: 21.

The applicant has stated through his attorneys, Nevels & Chang, that he is the "equitable owner under paid-up agreement of sale", of the subject properties, located in Hawaiian Ocean View Estates, on the southeastern edge of the Manuka Branch of the 1907 Mauna Loa lava flow.

The restaurant, bar and office are proposed for the 69,667 square foot lot (9-2-83: 21) bounded on three sides by the newly improved Mamalahoa Highway (the Hawaii Belt Road), Hawaii Boulevard and Princess Kaiulani Boulevard; and the motel is planned for the three-lot site on the mauka side of Princess Kaiulani Boulevard, containing 154,076 sq. ft. (approximately 3½ acres). These lots are located at one entrance to a subdivision which is said to contain some 12,000 lots. Road improvements within the subdivision are underway. It is not known what arrangements are being made for water supply and sanitary disposal.

This application is a very good illustration of a group of uses made desirable because of great distance from any other suitable facilities to serve travelers, in the way of food and lodging. (Manuka Park, a short distance to the north, offers only picnic tables, toilet facilities, parking and attractive landscaping.) Staff would venture to suggest that a service station seems to be lacking as a proper adjunct to the complex proposed.

Staff recommends approval of the permit, as a proper and desirable, unusual and reasonable development which will provide a needed service to the public, subject to the following conditions, in the interests of proper commercial development for the area, as well as appearance to the traveling public, convenience and safety:

1. That approval of the County of Hawaii be secured for all uses, which may, if the County approves, include a restaurant and bar business and an office on TMK 9-2-83: 21, and a motel on the site composed of TMK 9-2-81: 49,50,51;
2. That approval of the County of Hawaii be secured for all structures and improvements, and for siting, arrangement and exterior design of same; for design of vehicular access, egress, circulation and parking layout; and for landscaping; and
3. That the County of Hawaii may require and specify allowable upper limits of density of occupancy, maximum building heights, minimum setbacks and distances between buildings, adequate utilities and adequate offstreet parking to serve the approved uses; and may require that the property be landscaped in keeping with resort use and the surrounding area, and to screen unsightly areas from public view.
4. That approval of the State Department of Transportation be secured for any vehicular access to the property from Mamalahoa Highway.

A note should be added to the approval, as follows: "This permit is granted with the understanding that additional public facilities and services, in the form of roads, domestic water, police and fire protection, etc., may not be made available to this area for a number of years in the future."

The above recommendation is not considered to be in conflict with the State General Plan recommendation of "Open Land".

Ref. No. LUC 207

October 18, 1962

Mr. Luman N. Nevels, Jr.
Hilo Hotel Building
Hilo, Hawaii

Dear Mr. Nevels:

The State of Hawaii Land Use Commission has scheduled a meeting for Wednesday, October 24, 1962, at 1:00 p.m., in the Commission's Hearing Room, 426 Queen Street, Honolulu, Hawaii.

As the waiting period prescribed by the Commission's Rules of Practice and Procedure, Sub-Part C, Sec. 1.20(f), will have expired, your application for Special Permit has been placed on the agenda for consideration by the Commission. Final action may be taken at that time.

Very truly yours,

R. J. DARNELL
EXECUTIVE OFFICER

cc: Mr. Harry F. McKee
Mr. Hiroshi Kasamoto

Luman N. Nevels, Jr.
Patrick L. McLane
Hilo Hotel Building
Hilo, Hawaii
Telephones:
44-101 45-775

Nevels and Chang

ATTORNEYS AT LAW

August 21, 1962

Charles K. C. Chang
Suite 920
1441 Kapiolani Blvd.
Honolulu 14, Hawaii
Telephone: 995-305

RECEIVED

AUG 22 1962

State of Hawaii
LAND USE COMMISSION

State of Hawaii
Land Use Commission
426 Queen Street
Honolulu 13, Hawaii

Ref. No. LUC 130

Attention: Mr. R. J. Darnell
Executive Officer

Gentlemen:

Enclosed herewith are the original and one copy of "Application for Special Permit" on your official form as requested by your letter of August 16, 1962. As noted on the enclosed application, we request that the Petition dated August 3, 1962, submitted by us on behalf of Mr. Harry McKee, continue to be regarded as supplementing the information on the enclosed forms.

We are also submitting at this time a recently prepared plan showing both the specific lots covered by the application and location of the lots in Kau.

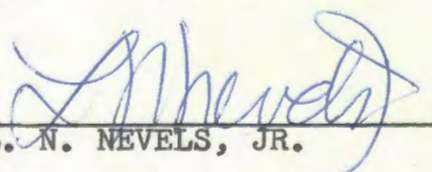
If the exact date has not been set for the required public hearing, are you able to indicate approximately when we might expect the hearing to be held?

Please let us know if anything else must be done by us prior to the public hearing or action on the application by the Land Use Commission.

Very truly yours,

NEVELS AND CHANG

By


L. N. NEVELS, JR.

LNNjr:bsm
Enclosures

Luman N. Nevels, Jr.
Patrick L. McLane
Hilo Hotel Building
Hilo, Hawaii
Telephones:
44-101 45-775

Nevels and Chang

ATTORNEYS AT LAW

228
Charles K. C. Chang
Suite 920
1441 Kapiolani Blvd.
Honolulu 14, Hawaii
Telephone: 995-305

August 3, 1962

RECEIVED

AUG 9 1962

State of Hawaii
LAND USE COMMISSION

State of Hawaii
Land Use Commission
Dept. of Planning and Research
Honolulu, Hawaii

Attention: Executive Officer

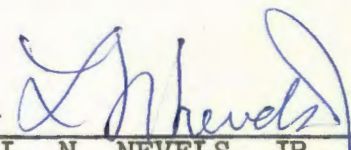
Gentlemen:

Enclosed herewith are the original and one copy of a Petition for Special Permit Pursuant to Section 7, Act 187, Session Laws of Hawaii, 1961, submitted on behalf of our client, Harry F. McKee, together with the map of Hawaii and the sketch of the proposed building, as noted in the said Petition, and our check in the amount of \$50.00 to cover the cost of public hearing and publication, as required by your Rule 1.24.

Very truly yours,

NEVELS AND CHANG

By


L. N. NEVELS, JR.

LNNjr:bsm

Encls.



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY BUILDING
888 PUNCHBOWL ST., HONOLULU 13, HAWAII

3.5857

RECEIVED

SEP 13 1962

State of Hawaii
LAND USE COMMISSION

Land Use Commission
State of Hawaii
426 Queen Street
Honolulu, Hawaii

Attention: Mr. R. J. Darnell, Executive Officer

Gentlemen:

This is in reply to your communication to our department dated August 29, 1962.

We deeply appreciate your invitation to attend the hearings or to transmit any pertinent comments and/or recommendations that we may have.

Please be informed that we have no comments or recommendations to make relative to the parcels listed in the above-referenced communication but certainly would like to be informed of future applications for changes in land classification inasmuch as they may affect our highways, harbors or airport plans.

Very truly yours,

A. A. SOUSA
Property Management and
Acquisition Officer

RECEIVED

SEP 12 1962

State of Hawaii
LAND USE COMMISSION

September 7, 1962

C-3038

Your: LUC 143

Mr. R. J. Darnell
Executive Officer
Land Use Commission
State of Hawaii
426 Queen Street
Honolulu 13, Hawaii

Dear Mr. Darnell:

Your letter dated August 29, 1962, enclosing copies of Petition for Amendment of Temporary District Boundary made by the Hawaiian Homes Commission and an Application for Special Permit by Mr. Harry McKee, was presented to the Board of Supervisors at its meeting held September 5.

This is to inform you that the Board recommended approval of the above mentioned petitions.

Very truly yours,

(Mrs.) Margaret M. Kaaua
COUNTY CLERK

mh

Ref. No. LUC 144

August 29, 1962

Planning and Traffic Commission
County of Hawaii
Hilo, Hawaii

Attention: Mr. Hiroshi Kasamoto, Director

Gentlemen:

I have been asked by the Land Use Commission to solicit your comments and recommendation on a matter within the County of Hawaii pending before the Commission, and scheduled for public hearing in your Chambers on September 18, 1962, at 8:00 p.m.

Enclosed is a copy of an application for Special Permit by Mr. Harry McKee for property in the Kau District.

The Land Use Commission would appreciate your written recommendation and/or comments prior to the date of the hearing or up to fifteen days following the date of the hearing. Further, the Commission invites your attendance at the hearing.

Very truly yours,

R. J. DARNELL
EXECUTIVE OFFICER

Enclosure

WM:ak

Ref. No. LUC 143

August 29, 1962

The Honorable Members of the Board of Supervisors
County of Hawaii
County Building
Hilo, Hawaii

Attention: The Honorable Thomas K. Cook, Chairman and
Executive Officer

Gentlemen:

I have been asked by the Land Use Commission to solicit your comments and recommendations on matters within the County of Hawaii pending before the Commission, and scheduled for public hearing in your Chambers on September 18, 1962, at 8:00 p.m.

Enclosed are copies of a petition for change of Temporary District Boundary made by the Hawaiian Homes Commission regarding lands in the South Hilo District, and an application for Special Permit by Mr. Harry McKee for property in the Kau District. The Hawaii County Planning and Traffic Commission is familiar with these items.

The Land Use Commission would appreciate your written recommendations and/or comments prior to the date of the hearing or up to fifteen days following the date of the hearing. Further, the Commission invites your attendance at the hearing.

Very truly yours,

R. J. DARNELL
EXECUTIVE OFFICER

Enclosures

WM:ak

other

STATE OF HAWAII
DEPARTMENT OF PLANNING & RESEARCH
HONOLULU, HAWAII
MEMORANDUM

Date _____

MCKEE FILE

To _____

From _____

Subject _____

AGENCIES NOTIFIED

AUG. 29, 1962

1. Department of Transportation ✓
2. Department of Health

Ref. No. LUC 150

August 29, 1962

Mr. L. N. Nevels, Jr.
Hilo Hotel Building
Hilo, Hawaii

Dear Mr. Nevels:

This is to inform you of a public hearing called by the Land Use Commission of the State of Hawaii on September 18, 1962 at 2:00 p.m. in the Kona Cultural Center, Kailua, Kona, Hawaii. Your application for Special Permit made on behalf of Mr. Harry F. McKee will be heard at that time.

Publication of Legal Notice of hearing appeared in the Honolulu Star-Bulletin and the Hilo Tribune Herald on August 29, 1962.

Very truly yours,

R. J. DARNELL
EXECUTIVE OFFICER

cc: Mr. Harry F. McKee
WM:ak

Ref. No. LUC 130

August 16, 1962

Mr. Luman H. Nevels, Jr.
Hilo Hotel Building
Hilo, Hawaii

Dear Mr. Nevels:

Enclosed are two application forms for Special Permit for your completion and signature on behalf of Mr. Harry F. Makee.

Please be advised that the 30 day waiting period required by law in the case of Special Permit applications has started as of August 9, 1962, the date this office received your letter of August 3, 1962.

You will be notified well in advance of public hearing.

I shall look forward to receiving the completed forms at your earliest convenience.

Very truly yours,

R. J. DARNELL
EXECUTIVE OFFICER

Enclosures

NOTICE OF PUBLIC HEARING

TO CONSIDER PETITIONS FOR CHANGE FOR TEMPORARY DISTRICT BOUNDARY AND APPLICATION FOR SPECIAL PERMIT WITHIN THE COUNTY OF HAWAII, BEFORE THE LAND USE COMMISSION OF THE STATE OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held by the Land Use Commission of the State of Hawaii; the first to be held in the Kona Cultural Center, Kailua, Kona, Hawaii on September 18, 1962 at 2:00 p.m., or as soon thereafter as those interested may be heard, the second to be held in the Chambers of the Hawaii County Board of Supervisors, Hilo, Hawaii on September 18, 1962 at 8:00 p.m., or as soon thereafter as those interested may be heard, to consider petitions for change of Temporary District Boundary and Application for Special Permit within the County of Hawaii as provided for in Sections 6 and 7, Act 187, Session Laws of Hawaii, 1961.

Items to be heard in Kailua, Kona:

<u>Petitioner and Docket Number:</u>	<u>Tax Map Key</u>	<u>Permission Requested</u>
SP(T) 62-21 Harry F. McKee	9-2-81: 49, 50, 51 9-2-83: 21	Construction of restaurant, bar, motel and office.
A(T) 62-6 Fumio & Shizuko Teshima	7-9-04: 2 & 3	Change from an Agricultural district to an Urban district classification.
A(T) 62-8 J. I. Gillespie	7-5-09: 52 7-5-10: 2 & 3	Change from an Agricultural district to an Urban district classification.

Items to be heard in Hilo:

<u>Petitioner and Docket Number:</u>	<u>Tax Map Key</u>	<u>Permission Requested</u>
A(T) 62-7 Hilo Country Club, Ltd.	2-5-03: Por. 8 (that portion being 8.5 acres, more or less, lying along the northern edge of Parcel 8).	Change from an Agricultural district to an Urban district classification.
A(T) 62-9 Hawaii County Planning and Traffic Commission	2-4-20 2-4-33 2-4-37 2-4-31: 1 & 2 2-4-39: Por. 1, 4, 6 through 11	Change from an Agricultural district to an Urban district designation.
A(T) 62-15 Hawaiian Homes Commission	2-247: Por. 1 (being a portion of 100.165 acres, more or less, bounded by the ex- tensions of Puainako and Kawailani Streets).	Change from an Agricultural district to an Urban district classification.

Maps showing the areas under consideration for change of Temporary District Boundary and the area under consideration for Special Permit and copies of the rules and regulations governing the applications for the above are on file in the offices of the Hawaii County Planning and Traffic Commission and the Land Use Commission and are open to the public for inspection during office hours.

All written protests or comments regarding the above petitions for change of Temporary District Boundary and the application for Special Permit may be filed with the Land Use Commission, 426 Queen Street, Honolulu, Hawaii, before the date of hearing, or submitted in person at the time of the public hearing, or up to fifteen (15) days following this public hearing.

LAND USE COMMISSION

E. C. BRYAN, Chairman
E. C. BRYAN

R. J. DARNELL, Executive Officer
R. J. DARNELL

(Legal ad 2 cols. w/border)
(To appear August 29, 1962)
(THE HONOLULU STAR-BULLETIN)
(THE HILO TRIBUNE HERALD)

Sent to Comm.

RECEIVED

AUG 9 1962

State of Hawaii
LAND USE COMMISSION

STATE OF HAWAII
LAND USE COMMISSION
Department of Planning and Research
Honolulu, Hawaii

"HALF WAY HOUSE"

Kau, Hawaii

Petition for Special Permit
Pursuant to Section 7, Act 187
Session Laws of Hawaii, 1961

PETITIONER:

HARRY F. McKEE
Star Route, Box 50
Captain Cook, Hawaii

ATTORNEYS FOR PETITIONER:

NEVELS AND CHANG
(L. N. Nevels, Jr.)
Hilo Hotel Building
Hilo, Hawaii

RECEIVED

AUG 9 1962

State of Hawaii
LAND USE COMMISSION

August 3, 1962

STATE OF HAWAII
LAND USE COMMISSION
Department of Planning and Research
Honolulu, Hawaii

Attention: Executive Officer

Subject: Petition for Special Permit
Pursuant to Section 7, Act 187,
Session Laws of Hawaii 1961

Petitioner: Harry F. McKee
Star Route, Box 50
Captain Cook, Hawaii

Attorneys for
Petitioner: NEVELS AND CHANG
(L. N. Nevels, Jr.)
Hilo Hotel Building
Hilo, Hawaii

Gentlemen:

It is hereby respectfully requested that a Special Permit be issued to the above-named Petitioner for the construction and carrying on of (1) a restaurant and bar business and an office upon the premises owned by him, situate in the District of Kau, County and State of Hawaii, known as Lot 1, Block 68, Increment No. 7, Hawaiian Ocean View Estates, and containing an area in excess of 68,000 square feet, and (2) a motel business upon the adjacent premises, also owned by the Petitioner, known as Lots 20, 22 and 24 of Block 69, Hawaiian Ocean View Estates. The area of all four lots exceeds four acres. Petitioner is prepared to go forward immediately with the construction of a restaurant building on Lot 1 aforesaid, and to expand these facilities and add bar facilities once the initial restaurant business is established. A sketch of this portion of the total development is enclosed for the convenience of the Commission.

The Petitioner completed his purchase of all four of the above-noted parcels in the summer of 1961, while a

resident of the State of California. The lots in question were priced and purchased as commercial property, at a time when there was no restriction against the commercial use of the property. The location suggests just the kind of usage herein requested, and the property was purchased specifically for the proposed commercial development purposes.

Architects were consulted, details were worked out and plans were prepared, commencing in September, 1961. Final architectural plans were approved by the Petitioner in March, 1962. Petitioner has severed his ties, business and residential, in California, and has become a permanent resident of Hawaii. He is presently involved in no other business than the preparation of the property under application, and upon the granting of a special permit and a building permit he will be engaged in the construction of the required building and the conduct of the restaurant business.

The lots concerned are situated within an area designated as "Agricultural" by your predecessors on the Commission. However, this specific property is not suited to agriculture and has not, at least within historical times, ever been used for agriculture. The land consists of Aa lava, and is somewhat forested.

The Petitioner is willing to have restrictions placed upon the use of his land to limit it to restaurant, bar, office and motel purposes.

The particular site under application is ideally situated for the uses requested for the following reasons:

1. The nearest restaurant facility is 24 miles away, at Waiohinu.
2. The nearest comparable restaurants are located at Kailua, Kona, 44 miles to the north and at the Volcano House,

52 miles in the other direction, resulting at present in a 96 mile stretch of highway with no first-class restaurant and bar facilities.

3. A new Federal Aid highway, very recently completed, lies immediately in front of the property. As the property is situated at a junction with the new highway, there are no access problems involved.

4. Numerous tour cars traverse the new highway daily on the long ride from Hilo to Kailua and return, a one-way trip of about 125 miles.

5. A similar business called the "Ohia Lodge" was carried on successfully by Mr. Howard Redfearn about 14 miles to the North of the site under application until 1950, at which time the building was destroyed by a lava flow.

The Special Permit hereby requested would promote the effectiveness of Act 187 by furthering the objectives stated in its preamble in several significant ways.

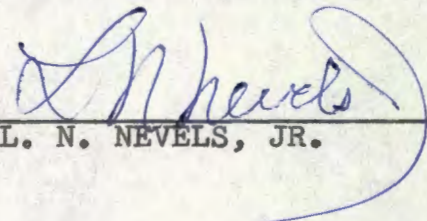
The uses hereby requested would avoid the "long-term loss to the income and growth potential of our economy" which would necessarily result if the lands under application are compelled to remain waste-lands as they have for the past uncounted years. The Petitioner's request does not involve the shifting of prime agricultural lands to other uses, for the land in question is suited to no known economically feasible agricultural use whatsoever. The proposed uses would recognize the value of the land "in those uses that can best serve both the well-being of the owners and the well-being of the public".

There are no other lands in or near the area under application zoned for urban use and thus eligible to serve adequately the need for the kind of facilities which the Petitioner requests permission to provide.

On behalf of Petitioner, Mr. Harry McKee, for the above-stated reasons, we respectfully request that the Commission, at its very earliest convenience, commence the processing of this Petition for a Special Permit, conduct the public hearing required by law, and order the issuance of a Special Permit to enable the Petitioner to proceed with the proposed development and use of the land under application.

Enclosed herewith are (1) a map of the Island of Hawaii showing the site of the property under application and (2) a sketch of the building to be constructed upon the issuance of the Special Permit requested herein. The portion of the building in the right foreground of the sketch of the total structure is to be the first increment of construction.

NEVELS AND CHANG
Attorneys for Petitioner

By 
L. N. NEVELS, JR.

Sent to Room

STATE OF HAWAII
LAND USE COMMISSION
Department of Planning and Research
Honolulu, Hawaii

"HALF WAY HOUSE"

Kau, Hawaii

Petition for Special Permit
Pursuant to Section 7, Act 187
Session Laws of Hawaii, 1961

PETITIONER:

HARRY F. McKEE
Star Route, Box 50
Captain Cook, Hawaii

ATTORNEYS FOR PETITIONER:

NEVELS AND CHANG
(L. N. Nevels, Jr.)
Hilo Hotel Building
Hilo, Hawaii

August 3, 1962

STATE OF HAWAII
LAND USE COMMISSION
Department of Planning and Research
Honolulu, Hawaii

Attention: Executive Officer

Subject: Petition for Special Permit
Pursuant to Section 7, Act 187,
Session Laws of Hawaii 1961

Petitioner: Harry F. McKee
Star Route, Box 50
Captain Cook, Hawaii

Attorneys for
Petitioner: NEVELS AND CHANG
(L. N. Nevels, Jr.)
Hilo Hotel Building
Hilo, Hawaii

Gentlemen:

It is hereby respectfully requested that a Special Permit be issued to the above-named Petitioner for the construction and carrying on of (1) a restaurant and bar business and an office upon the premises owned by him, situate in the District of Kau, County and State of Hawaii, known as Lot 1, Block 68, Increment No. 7, Hawaiian Ocean View Estates, and containing an area in excess of 68,000 square feet, and (2) a motel business upon the adjacent premises, also owned by the Petitioner, known as Lots 20, 22 and 24 of Block 69, Hawaiian Ocean View Estates. The area of all four lots exceeds four acres. Petitioner is prepared to go forward immediately with the construction of a restaurant building on Lot 1 aforesaid, and to expand these facilities and add bar facilities once the initial restaurant business is established. A sketch of this portion of the total development is enclosed for the convenience of the Commission.

The Petitioner completed his purchase of all four of the above-noted parcels in the summer of 1961, while a

resident of the State of California. The lots in question were priced and purchased as commercial property, at a time when there was no restriction against the commercial use of the property. The location suggests just the kind of usage herein requested, and the property was purchased specifically for the proposed commercial development purposes.

Architects were consulted, details were worked out and plans were prepared, commencing in September, 1961. Final architectural plans were approved by the Petitioner in March, 1962. Petitioner has severed his ties, business and residential, in California, and has become a permanent resident of Hawaii. He is presently involved in no other business than the preparation of the property under application, and upon the granting of a special permit and a building permit he will be engaged in the construction of the required building and the conduct of the restaurant business.

The lots concerned are situated within an area designated as "Agricultural" by your predecessors on the Commission. However, this specific property is not suited to agriculture and has not, at least within historical times, ever been used for agriculture. The land consists of Aa lava, and is somewhat forested.

The Petitioner is willing to have restrictions placed upon the use of his land to limit it to restaurant, bar, office and motel purposes.

The particular site under application is ideally situated for the uses requested for the following reasons:

1. The nearest restaurant facility is 24 miles away, at Waiohinu.
2. The nearest comparable restaurants are located at Kailua, Kona, 44 miles to the north and at the Volcano House,

52 miles in the other direction, resulting at present in a 96 mile stretch of highway with no first-class restaurant and bar facilities.

3. A new Federal Aid highway, very recently completed, lies immediately in front of the property. As the property is situated at a junction with the new highway, there are no access problems involved.

4. Numerous tour cars traverse the new highway daily on the long ride from Hilo to Kailua and return, a one-way trip of about 125 miles.

5. A similar business called the "Ohia Lodge" was carried on successfully by Mr. Howard Redfearn about 14 miles to the North of the site under application until 1950, at which time the building was destroyed by a lava flow.

The Special Permit hereby requested would promote the effectiveness of Act 187 by furthering the objectives stated in its preamble in several significant ways.

The uses hereby requested would avoid the "long-term loss to the income and growth potential of our economy" which would necessarily result if the lands under application are compelled to remain waste-lands as they have for the past uncounted years. The Petitioner's request does not involve the shifting of prime agricultural lands to other uses, for the land in question is suited to no known economically feasible agricultural use whatsoever. The proposed uses would recognize the value of the land "in those uses that can best serve both the well-being of the owners and the well-being of the public".

There are no other lands in or near the area under application zoned for urban use and thus eligible to serve adequately the need for the kind of facilities which the Petitioner requests permission to provide.

On behalf of Petitioner, Mr. Harry McKee, for the above-stated reasons, we respectfully request that the Commission, at its very earliest convenience, commence the processing of this Petition for a Special Permit, conduct the public hearing required by law, and order the issuance of a Special Permit to enable the Petitioner to proceed with the proposed development and use of the land under application.

Enclosed herewith are (1) a map of the Island of Hawaii showing the site of the property under application and (2) a sketch of the building to be constructed upon the issuance of the Special Permit requested herein. The portion of the building in the right foreground of the sketch of the total structure is to be the first increment of construction.

NEVELS AND CHANG
Attorneys for Petitioner

By


L. N. NEVELS, JR.

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

LUC File	SP(7) 62-21
Applicant(s)	HARRY F. MCKEE
Public Hearing at	2 P.M.
on	SEPT. 18, 1962

SPECIAL PERMIT

The Land Use Commission of the State of Hawaii, pursuant to hearing and consideration required by the provisions of Act 187, SLH 1961, hereby grants special permission to use the following described property:

(County) HAWAII (Island) HAWAII
3rd Division TMK 9-2-81: 49, 50, 51
9-2-83: 21

for the following purpose(s):

CONSTRUCT AND OPERATE A RESTAURANT, bar, office
& MOTEL facilities.

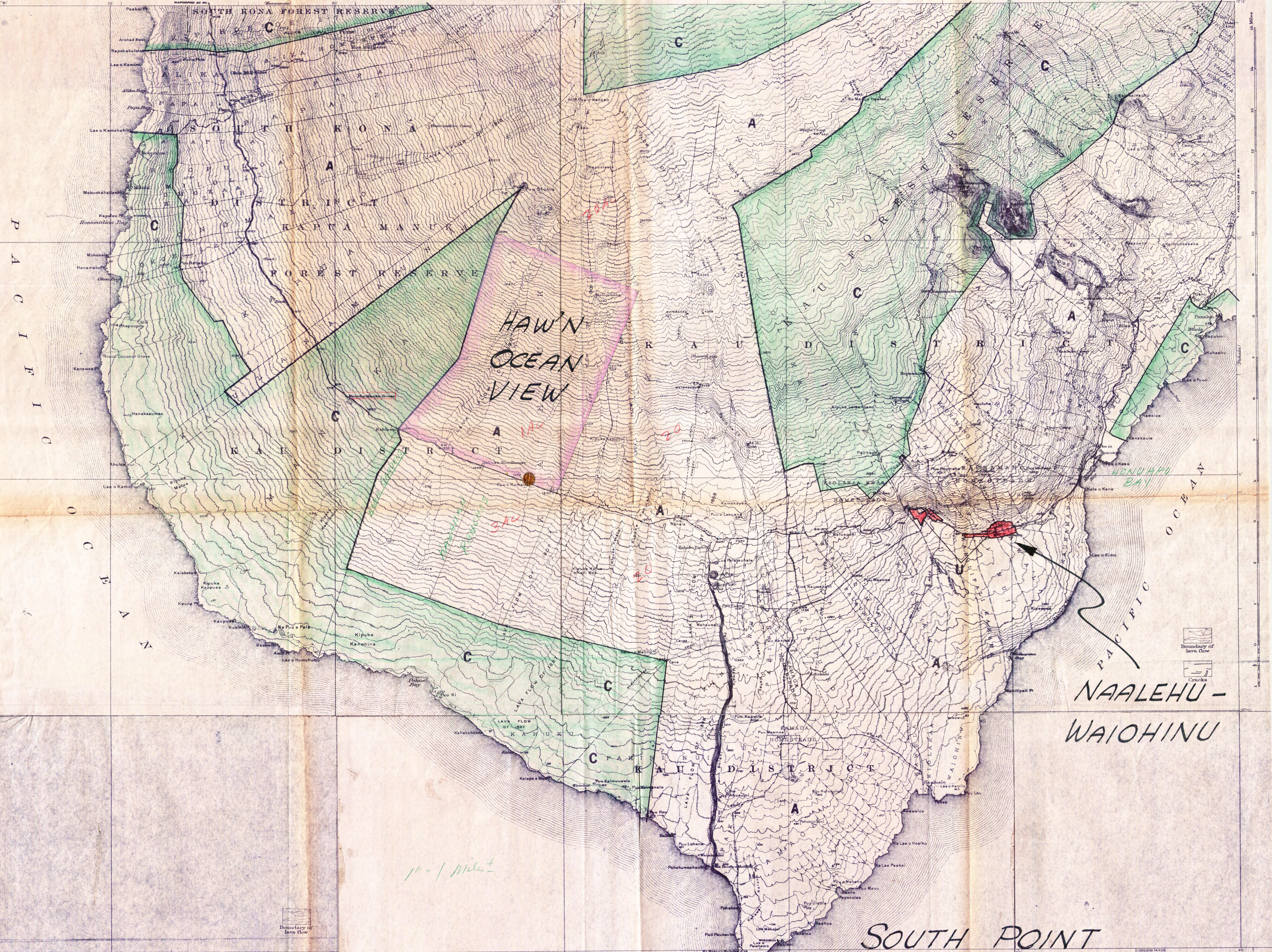
subject to the following conditions, in the interest(s) of

STAFF RPT.

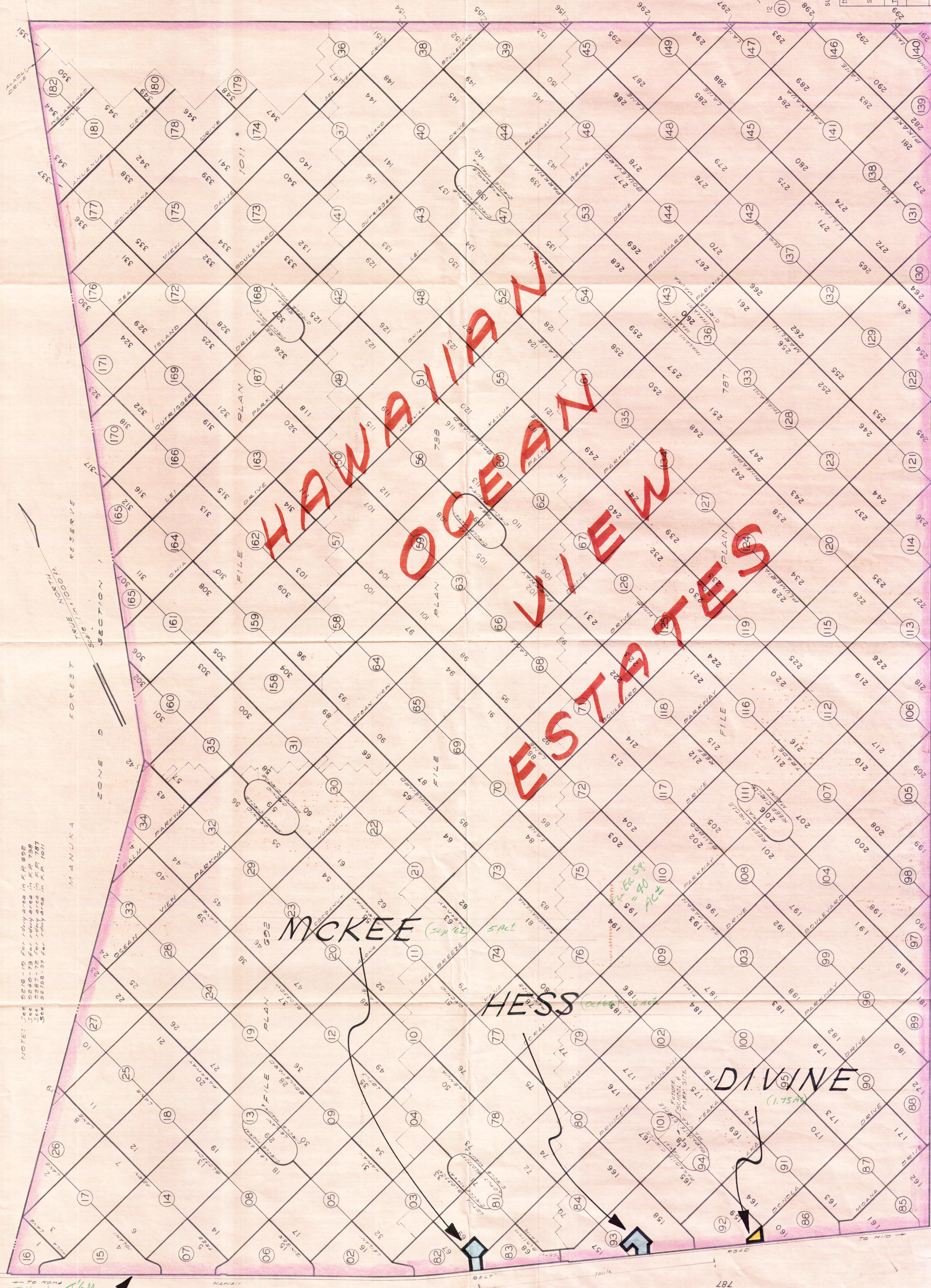
(Signed) _____

(Title) _____

Date of Grant OUT
Sept 20,



LAND USE DISTRICT BOUNDARIES		
DISTRICT MAP	STATE OF HAWAII	DISTRICTS
H-C	LAND USE COMMISSION	U = URBAN
	DEPT. OF PLANNING & ECONOMIC DEVELOPMENT	R = RURAL
	EFFECTIVE DATE: AUG 23, 1964	A = AGRICULTURAL
		C = CONSERVATION



NOTE: See 9216-10 for only area in F.P. 692
See 9340-73 for only area in F.P. 738
See 9387-72 for only area in F.P. 787
See 92188-37 for only area in F.P. 1011

To Kona
To Hanalei = 4 1/2 M

BELT ROAD

DRAWING NO. 4805 (REVISED TRACING)
SOURCE
TAXATION MAPS BUREAU
BY C.B. & L.N. DATE, AUGUST 25, 1951 & MAY 1, 1952
HAWAIIAN OCEAN VIEW ESTATES F.P. 692, 738 & PORT GRANT 2791 KAHUKU, KAU, HAWAII
787