

SPECIAL PERMIT

Petition Received 2/9/78

Maps 3/1/78 CMJ

Action Span 2/9/78 - 3/26/78

Action Date

Recordation 4/14/78 CMJ

March 9, 1978

Mr. Gary R. Caravalho, President
Gary's Automotive Service
P. O. Box 1030
Kamuela, Hawaii 96743

Dear Mr. Caravalho:

The original of the attached letter is on
file in the office of the Hawaii Planning Department,
25 Aupuni Street, Hilo, Hawaii.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encl.

EAGLE
TYPE-ERASE
25% COTTON FIBER USA

March 9, 1978

HAWAII PLANNING DEPARTMENT
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on March 7, 1978, the Land Use Commission voted to approve a Special Permit request by Gary's Automotive Service, Inc., Hawaii (SP78-292) to allow the establishment of an auto body repair shop, truck repair, and vehicle storage area on approximately four acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-1: portion of 8.

Approval of this Special Permit is subject to the conditions imposed by the Hawaii County Planning Commission and subject further to the additional condition that the Special Permit shall be valid for a period not to exceed five (5) years from the effective date of approval.

A copy of the staff memorandum is enclosed for your information.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encl.

cc: Gary's Automotive Service, Inc.
Department of Taxation, Hawaii
Tax Maps Recorder, Dept. of Taxation
Property Technical Office, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation
Department of Planning & Economic Development
Office of Environmental Quality Control
Land Management Division, DLNR



DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

GEORGE R. ARIYOSHI
Governor

STANLEY SAKAHASHI
Chairman

CHARLES DUKE
Vice Chairman

Suite 1795, Pacific Trade Center, 190 S. King Street, Honolulu, Hawaii 96813

March 9, 1978

COMMISSION MEMBERS:

James Carras
Colette Machado
Shinsei Miyasato
Shinichi Nakagawa
Mitsuo Oura
Carol Whitesell
Edward Yanai

MEMORANDUM

GORDAN FURUTANI
Executive Officer

TO: Department of Taxation, Hawaii County
Tax Maps Recorder, Dept. of Taxation
Property Technical Office, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation
Land Management Division, Board of Land and
Natural Resources

FROM: Gordan Y. Furutani, Executive Officer

SUBJECT: Map for SP78-292 - Gary's Automotive Service, Inc.

Please note that pursuant to condition no. 1, as approved by the Land Use Commission, a map (metes and bounds description) delineating the precise area to be covered by the Special Permit shall be submitted by the applicant to the Hawaii County Planning Director for his review and approval.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322 (B&C)
New State Building
Honolulu, Hawaii

March 7, 1978 - 9:00 a.m.

Approved
JUN 14 1978

COMMISSIONERS PRESENT: Charles Duke, Acting Chairman
James Carras
Shinsei Miyasato
Shinichi Nakagawa
Mitsuo Oura
Carol Whitesell
Edward Yanai

COMMISSIONERS ABSENT: Colette Machado
Stanley Sakahashi

STAFF PRESENT: Gordan Furutani, Executive Officer
Daniel Yasui, Planner
Allan Kawada, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Ray Russell, Court Reporter

ACTION

Chairman Duke announced minor re-arrangements in the order of the agenda.

SP78-288 - KILAUEA AGRONOMICS, INC.

SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF AN AGRICULTURAL PROCESSING PLANT FOR DIVERSIFIED CROPS AT MOKUHONUA, SOUTH HILO, HAWAII

Mr. Daniel Yasui apprised the Commission of the existing facilities on the property and the intended use for the structures being requested under the Special Permit. A resume of the prepared staff report, including the County's conditions, was also presented.

Some of the concerns expressed regarding the subject request were the dust that may be generated by the movement of the trucks, and the location of the area where the crops to be processed are grown.

responsibility for monitoring the conditions imposed in approving a Special Permit. The Executive Officer advised that heretofore the Counties have been monitoring conditions imposed on Special Permits.

It was emphasized by Chairman Duke that as long as conditions are imposed, the responsibility for monitoring compliance with these conditions should be clearly established.

Mr. Sidney Fuke of the Hawaii Planning Department staff submitted that they maintained a suspense file to assure that conditions were complied with. Mr. Belles of Kauai County stated that Kauai did not have such a system.

Mr. Furutani suggested that this matter could be discussed when the Commission continues with its workshop on Special Permits with the counties and other governmental agencies.

Mr. Matsubara advised that a delineation of the roles of the County Planning Commissions and the Land Use Commission with respect to Special Permit procedures was presently a matter under litigation in the courts. He added that the question of who has the primary role and responsibility for conducting the quasi-judicial hearing may be decided during this particular judicial proceeding.

Since the original subject Special Permit had expired on March 1, 1977, it was agreed that the 3-year period for the continued operation of the nursery school commence on March 1, 1977 to cover the interim period.

The Chair directed that the County's condition relative to holding harmless the County from any loss or liability also include the words "and the State of Hawaii".

Commissioner Nakagawa moved to approve Special Permit SP78-290, subject to the conditions imposed by the Maui County Planning Commission and as amended by the Land Use Commission. The motion was seconded by Commissioner Miyasato and unanimously carried.

✓ SP78-292 - GARY'S AUTOMOTIVE SERVICE, INC.

SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF AN AUTO BODY REPAIR SHOP, TRUCK REPAIR & VEHICLE STORAGE AT WAIKOLOA, SOUTH KOHALA, HAWAII

The area under petition was located on the maps by the Planner who also presented a resume of the staff report.

Concern was expressed as to the precise delineation of the 4-acres requested for the proposed operation on the 10-acre portion of the property. The danger or undermining the County's

General Plan in allowing an industrial use under a Special Permit in an Agricultural District was also brought up.

Commissioner Carras strongly felt that any installation in the area should be aesthetically pleasing inasmuch it was situated along the route to and from the airport. no

Commissioner Oura moved to approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission, which was seconded by Commissioner Miyasato.

Commissioner Carras spoke against the motion based on his feeling that there was not sufficient controls to assure that this would not eventually turn into a junk yard and thereby create a blight on the scenery.

Commissioner Whitesell suggested adding a condition setting a time limit for requiring removal of any shells or parts of the cars.

Commissioner Whitesell moved to amend the motion by adding a condition that this Special Permit run for a period of 5 years--this would allow the Commission leverage to reassess the suitability of the proposed operation at this particular site.

Commissioner Carras moved to further amend the motion by reducing the storage area from 1½ acres to a more realistic figure of a quarter of an acre. Commissioner Oura, maker of the motion submitted that he had no objections to these proposed amendments.

The Chair called for a vote on the second amendment to the motion made by Commissioner Carras by a show of hands. The motion did not carry.

The Chair called for a vote on the first amendment to the motion made by Commissioner Whitesell by a show of hands. The motion was carried.

The Chair called on the Executive Officer to poll the Commissioners on the original motion with the approved amendment. The motion was carried with the following votes:

Ayes: Commissioners Oura, Miyasato, Carras, Nakagawa,
Yanai, Whitesell, Chairman Duke

Executive Session

Upon motion by Commissioner Carras, seconded by Commissioner Whitesell, it was unanimously agreed to go into Executive Session to discuss with legal counsel the ramifications of Act 199 in relation to the proposed use being requested under Special Permit SP78-289, Norman Greenwell/Roman Catholic Diocese of Honolulu. The Commission was in session from 11:40 a.m. to 12:28 p.m.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP78-292
GARY'S AUTOMOTIVE SERVICE
Conf. Rm. 322 (B&C)
PLACE State Building
Honolulu, Hawaii

DATE March 7, 1978

TIME 9:00 a.m.

	NAME	YES	NO	ABSTAIN	ABSENT
	NAKAGAWA, SHINICHI	X			
M	OURA, MITSUO	X			
S	MIYASATO, SHINSEI	X			
	CARRAS, JAMES	X			
	DUKE, CHARLES	X			
	YANAI, EDWARD	X			
	WHITESELL, CAROL	X			
	MACHADO, COLETTE				X
	SAKAHASHI, STANLEY				

Comments:

I move that we approve Special Permit SP78-292, subject to the conditions imposed by the Hawaii County Planning Commission, and subject further to the additional condition that the Special Permit shall be valid for a period not to exceed 5 years from the effective date of approval.

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission DATE: March 7, 1978
FROM: Staff
SUBJECT: SP78-292 - Gary's Automotive Service, Inc.

The petitioner, Gary's Automotive Service, Inc., is requesting a Special Permit to allow the establishment of an auto body repair shop, truck repair, and vehicle storage area on approximately ten (10) acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-1: portion of 8. The subject property is the former site of Island Dairy and is located along the makai side of the Mamalahoa Highway in the vicinity of the road leading to the Kamuela Airport.

Presently located on the ten (10) acre site are six (6) structures which were previously occupied by Island Dairy. Three (3) of the six (6) structures are single family dwellings and will be utilized by employees of the petitioner. The other structures would be used for car and truck repairs, the storage of used automotive parts, and a wash rack. (See Exhibit A-6)

The subject property is owned by Parker Ranch and will be leased to the petitioner should the Special Permit be granted.

In support of the request, the petitioner has in part stated the following:

"Although the Land Use Law provides that lands in agricultural district should be used for intensive cultivation (HRS Section 205-2), the proposed use is justified in that:

- (1) The dairy presently occupying the land is moving to another location for the following reasons:
 - a) Undesirable grazing conditions on the subject parcel for its milking cattle.
 - b) New location is more ideally suited in terms of grazing conditions and size for the dairy operation.

- (2) The dairy is leaving its facilities which applicant proposes to use with little or no modification for its operation.
- (3) There is no land suitably zoned for applicant's use in the Waimea area; the subject parcel is ideally suited for the intended use.
- (4) Only ten (10) acres will be used by applicant for the automotive operation. Three single-family dwellings situated on the subject parcel will be leased to applicant's employees. The remainder of the land will be subleased to certain other parties who will be engaged in agriculturally-related activities.
- (5) The location of applicant's present operation is inadequate. Lack of facility space and lack of vehicle storage area greatly hinders applicant's present operational capability. Applicant's proposed use of a portion of the subject parcel will ideally serve applicant's needs and in serving the community by providing employment opportunities and a local repair facility that can accommodate the growing population.

"Surrounding area is presently utilized for grazing and for farming; applicant will be utilizing existing structures, without any structural modifications. Outside areas will only be used by applicant for storage of vehicles while awaiting repair, and for disassembly of irreparable vehicles for disposal. Furthermore, applicant will only utilize ten (10) acres of the total land of subject parcel for its automotive operation, leaving the remainder available for agriculturally-related activities.

"Additional roads or streets, or modifications to the existing roadway will not be necessary. The existing roadway is sufficiently wide to accommodate cattle and dairy trucks. Use of sewers, water and drainage facilities will not be increased beyond present use. Discarded oil will be collected for recycling, or for use by piggeries. No additional facilities will be required for school facilities. Police and fire protection will not need to be increased; applicant will maintain a program for fire safety and for security, to minimize the incidence of danger from fires or loss from vandalism. Employees will be living in the homes on premises, thereby further reducing the possible incidence of vandalism or widespread fire.

"In the general plan, the area just south of subject parcel is proposed as the industrial area for Waimea. The subject parcel is sufficiently outside of the commercial center or town, and at a sufficient distance from residential areas to not cause any annoyance or inconvenience to residents or to businesses. With the increasing population, there exists a definite need for increased auto repair facilities in the Waimea area. Also, a comparable facility is not available anywhere in the Waimea area; the closest major auto repair facility is in Kailua-Kona. The land the facilities as they exist are ideally suited for the proposed use, until such time that the industrial area actually becomes a reality.

"The proposed use will not substantially alter the essential character of the land...The remaining acreage will be used primarily for agriculturally-related activities. Also, additional trees will be planted around the periphery of applicant's operation to provide a 'screen' from highway view.

"Because of the present use of the existing structures as a dairy, the highest and best use of the facilities will be made by the applicant, without substantial alteration to the structures, and without increasing the burdens on the land upon which the facilities are situated. Also, applicant is the only concern which will provide a full-service automotive operation in the Waimea area. The public welfare will be well served by the number of jobs provided by the operation, and by the convenience of the availability of such an operation in the area."

The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the area as extensive agriculture. This designation applies to those agricultural lands which are utilized as pasturage and range. The property is presently zoned Unplanned (U).

The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "E" or Very Poor for the subject property. The average annual rainfall for the subject site is 50 inches.

Lands surrounding the subject site are predominantly used as pasture. The Lalamilo Farm Lots, Kamuela Airport and Parker Ranch race track are also situated in the near vicinity.

All essential utilities, including electricity and a six-inch water line are available to the subject site.

Pertinent comments from governmental agencies:

1. Department of Transportation

The State Department of Transportation provided the following comment:

"The subject parcel abuts the State Highways right-of-way through an easement and any outdoor advertising along the State Highway shall comply with Chapter 264, Part V, H.R.S."

2. Department of Agriculture

The Department of Agriculture provided the following comment with regard to the permit request:

"We understand that the applicant is requesting the special permit for a 33.638-acre parcel; ten acres are planned for automotive service activities which include three existing single-family dwellings to be used for employee housing. The nature of the other agricultural-related activities proposed for the balance of the parcel, once the special permit is approved, is unclear."

"The subject parcel is approximately 2,000 feet from one of the more productive truck crop farming areas on the Island of Hawaii. A more suitable location for the type of activity proposed by the applicant may be in the industrial area proposed at some future date."

3. U.S. Soil Conservation Service

The Soil Conservation Service provided the following information:

"The soils in this area are in the Waimea very fine sandy loam series. Based on an on site investigation, the slope at this site is about 2%. This soil is prime agricultural land if it is irrigated. The water erosion hazard on this soil is slight. When the vegetation is removed this soil has a moderate to severe wind erosion potential."

"I know of no other soil or water related problems in granting this request."

4. Department of Health

The State Department of Health noted the following:

"Working places is the Kuleana of the Department of Labor. Building plans for mechanical ventilating or air condi-

tioning systems and sewage disposal systems shall be reviewed and approved by the Department of Health."

Other cooperating agencies, including the Hawaii Electric Light Company, Inc., Department of Water Supply, Department of Public Works, Police Department, and Fire Department had no objections to the subject permit request.

At the public hearing held by the Hawaii County Planning Commission on January 12, 1978, two (2) representatives of the petitioner spoke in favor of the request. No other persons testified in favor or in opposition to the Special Permit. A concern raised by the Planning Commission was the need for the whole ten (10) acre area for the proposed use. The petitioner responded that ten (10) acres was an estimate of the land area needed for the proposed facility. It was recommended by the Planning Commission that the Planning staff meet with the applicant to determine his specific acreage requirements. For the Commission's information, the January 12, 1978, hearing transcript has been attached (County Exhibit Q).

On January 31, 1978, the Planning Commission voted to recommend approval of the Special Permit to the Land Use Commission based upon the following findings:

"That the desired use will not adversely affect surrounding properties. Surrounding lands are presently in airport, diversified agriculture, pasture, and vacant uses. Potential impacts from the requested use are increased noise, increased traffic, and possible view of cars awaiting service. However, given the relatively isolated location of the subject property, and the imposition of mitigating conditions, it is not expected that such potential impacts will be materially detrimental to surrounding properties. The Lalamilo Farm Lots are situated approximately 2,000 feet to the north of the subject property while the Waimea-Kohala Airport is located approximately 1,500 feet to the east. These areas will further be buffered by the proposed Waimea By-Pass Highway and the existing Mamalahoa Highway respectively. Given these distances, and the intervening highways, it is not expected that noise from the requested use will be significant impact. The subject property's access is off the Mamalahoa Highway via an easement. This highway is a major link between the east and west sides of the island and any additional traffic generated from the desired use will be relatively insignificant. Finally, the potential visual impact of vehicles being stored prior to service can be substantially mitigated by taking advantage of the existing topography and via landscaping.

"That the proposed use will not unreasonably burden public agencies to provide roads, sewers, water and drainage

facilities, and police and fire protection. None of the cooperating agencies charged with the responsibility of providing these services had any adverse comments on or objections to the subject request.

"That unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The proposed use is one that provides a needed service for the Waimea region of the island. This need is evidenced by the existence of the same operation in another location in the area. The subject request arises out of the requirement to physically expand the operation. The proposed use is consistent with the General Plan goals and policies which call for the provision of adequate industrial sites in appropriate location. The Waimea area is rapidly growing yet current industrial zoning is limited to 6.0 acres, all of which is presently occupied. To accommodate the expansion of industrial activities, the General Plan Land Use Allocation Map designates a future industrial area in the vicinity of the subject site. Further, the proposed use is consistent with the County of Hawaii General Plan standards which state:

'Industrial development shall be located in areas adequately served by transportation, utilities, and other amenities.

'Off-street parking and loading facilities shall be provided.

'Industrial development shall be conveniently located to its labor source.

'Buffer zones shall be established between industrial and adjacent non-compatible uses of land.'

"Through conditions of approval, the subject request can also be developed to meet the General Plan Standard which states: 'Industrial development shall maintain or improve the quality of the existing environment."

For the Commission's information, the Minutes of January 31, 1978, have been attached (County Exhibit Z).

The favorable recommendation was subject to the following conditions:

- "1. The total area of operation, including the existing structures, storage area and appurtenances, shall not exceed four (4) acres. Of these four (4) acres, the total storage area shall not exceed one and one-half (1½) acres. A map showing these areas

shall be submitted to the Planning Director for review and approval. Subsequent to the Planning Director's approval of the proposed areas, a metes and bounds description of the respective areas shall be submitted to the Planning Director. The corners of the respective areas shall be permanently staked with one-half (1/2) inch steel pipes or equivalent.

- "2. The storage area shall be adequately screened from views along the Mamalahoa Highway and the proposed Waimea By-Pass Road corridor by the existing topography and/or landscaping.
- "3. The storage area, parking area(s), and internal vehicular circulation areas shall be provided with an all-weather dust free surface.
- "4. A landscaping plan shall be submitted to the Planning Director for review and approval.
- "5. The Plan Approval process shall be complied with. Plans shall be submitted for plan approval within one (1) year of the effective date of the Special Permit.
- "6. Prior to occupancy all of the above conditions shall be complied with.
- "7. Vehicles in storage shall not be stacked higher than six (6) feet above the ground.
- "8. Upon termination of the use, the subject property shall be cleared of all materials not permanently fixed to the ground.
- "9. That all other rules and regulations shall be complied with."

It was further stated by the Planning Commission that: "Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void".

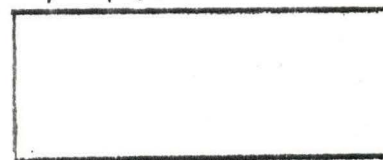
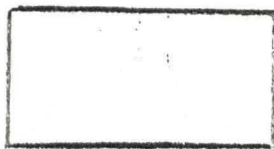
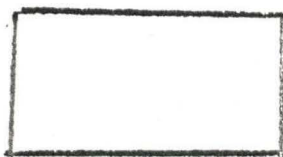
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Not to Scale

used Parts
Storage

Wash
Rack

Paint
Booth
Body
Shop
&
Truck
Repair

Employee housing
& Rentals



Proposed Use of Facilities

EXHIBIT A-6

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
January 12, 1978

A regularly advertised public hearing, on the application of Gary's Automotive Service, was called to order at 5:03 p.m. in the Conference Room, State Building, South Hilo, Hawaii, by Chairman William F. Mielcke.

PRESENT: William F. Mielcke
J. Walsh Hanley
Lorraine R. Jitchaku
Haruo Murakami
William J. Paris, Jr.
Charles H. Sakamoto

ABSENT: Shigeru Fujimoto
Quirino Antonio,
Water Supply

Sidney M. Fuke, Director
Ilima Piianaia, Planner
Keith Kato, Planner

David Murakami, representing Ex-officio Member, Edward Harada
Roxanna Garcia, Deputy Corporation Counsel

and about 6 people in attendance

CHAIRMAN: This is a public hearing on the application of Gary's Automotive Service, Inc., for a Special Permit to allow the establishment of an auto body repair shop, truck repair and vehicle storage area on approximately ten (10) acres of land situated within the State Land Use Agricultural District. The property involved is the former site of Island Dairy, located along the makai side of the Mamalahoa Highway, across from the entrance road to the Waimea-Kohala Airport, Waikoloa, south Kohala, TMK: 6-8-01:portion of 8. Staff?

PIIANAIA: Presented background information on file.

CHAIRMAN: Thank you, Ilima. Members of the Commission, do you have any questions on the background report? This is a special permit application -.

PIIANAIA: Excuse me. May I clarify something?

CHAIRMAN: Sure.

PIIANAIA: I'll read a letter into the record. The land is owned by Parker Ranch and it has been leased to Mr. Costa as far as I understand; and we have a letter on record dated November 3, 1977, from James Whitman, business manager from Parker Ranch. (Read letter into the record.)

CHAIRMAN: Thank you, Ilima. Members of the Commission, do you have any questions of the staff? Again, this is a special permit and we would not be taking any action until 15 days after the public hearing is closed. Commissioner Murakami?

MURAKAMI: Ilima, can you give us, you know, of course as far as the Department of Public Works' comments and the State Highways', about the subject parcel abuts the State Highways rights-of-way, which side of the property does the highway abut?

PIIANAIA: The parcel is here and there's an easement here to the property, so it doesn't really abut the State Highway, but the easement abuts -.

MURAKAMI: Then as far as the highway is concerned, it doesn't interfere as far as the garage or the property is concerned, huh?

PIIANAIA: It doesn't appear to.

MURAKAMI: What?

PIIANAIA: It doesn't appear to abut except through the easement.

CHAIRMAN: Commissioner Hanley?

HANLEY: I have two questions. Is the special permit for 10 acres or 33 acres?

PIIANAIA: I'd like to get that clarified by the petitioner. It conflicts and this is something we'd like to clarify here.

CHAIRMAN: Okay, can you hold that until we call the applicant up?

HANLEY: Sure. I had one other - do you know what Chapter 264, Part V, H.R.S. regarding advertising along the State Highway is?

PIIANAIA: I believe it's the section of the revised statute that refers to billboards.

HANLEY: You don't know what size sign it would allow or how close or anything?

PIIANAIA: No, I don't.

HANLEY: Do you know?

MURAKAMI: No, the regulation is kind of new. They have a revised one. Anyway, if in the event the State Highway goes through, they have to come to the State to conform with the regulations.

CHAIRMAN: Thank you. Members of the Commission, are there any further questions of the staff? At this time the Chair would like to call the applicant or a representative of the applicant forward.

I'll swear you in at this time. If you'll raise your hand, do you swear to tell the truth and nothing but the truth on this matter now before the Planning Commission?

S. CARAVALHO: I do.

CHAIRMAN: Would you state your name directly into the microphone.

S. CARAVALHO: My name is Sario Caravalho.

CHAIRMAN: Would you spell your last name for us.

S. CARAVALHO: C a r a v a l h o.

CHAIRMAN: Mr. Caravalho, there is a question that was raised by Commissioner Hanley concerning your application. Are you in fact requesting the special permit for 33.63 acres or just for the 10 acres?

S. CARAVALHO: We are requesting the permit for the full acres.

CHAIRMAN: For the full 33. -?

S. CARAVALHO: We intend to use only 10 acres for the automotive service, the rest of it we expect and have had inquiries to lease to various agriculture-related type functions, whoever wants to rent it. We have several farmers that are interested, and cattlemen have been asking. We don't want to commit to anybody until we obtain this.

CHAIRMAN: Ilima, is this consistent with your understanding of the application?

PIIANAIA: Well, basically, the special permit is for the auto body repair shop, truck repair and vehicle storage area on 10 acres of the parcel. It gets very complicated because other uses that might come on to the property if they were agriculturally related, they may be allowed in the ag district. What the special permit covers is basically these nonagricultural uses and its specific uses being requested. The problem is that, for instance, if they came in to lease, they'd have to subdivide out eventually and just for the legal uses; but if you want to have others, anything of commercial use will not be allowed.

FUKE: In this particular instance, under the special permit provisions, you would have to apply for a specific use. It can't be kind of like a blanket approval for an industrial complex or quasi-industrial complex. If you're going to come in for a request as you had represented in the area of about 33, 34 acres and your uses are still undefined at this point in time, then it would be tantamount to coming in for an urban reclassificatory action. And I'm quite sure that from our standpoint as well as the State Land Use Commission's standpoint, they may be put in a position to ask you to refile your petition for an urban boundary amendment as opposed to special use permits. Special Use Permit is specifically for a particular use and not something that you'd like to think about for maybe 5 or 6 years down the line, you'd like to have that kind of use. If that's your intent, then I would like to recommend that you go through the urban boundary procedures as opposed to the special permit.

S. CARAVALHO: I see. That is not our intent. Our intent is to obtain a special use for this facility and the immediate area surrounding it. Now, the only reason for the whole 33 acres is that it is at present one parcel and Parker Ranch has consented for us to use the

whole area. Now, if we do anything in the area other than what we're doing, it has to be approved also by Parker Ranch anyway - before we go any further from this.

FUKE: Well, see, what is before the Planning Commission at this point in time is just your auto body repair shop. If you want to expand the use to include other kinds of activities which are not related to your auto body repair shop, then you would have to come in with another special permit request or your alternative is to clearly identify at this point in time what you want to do. And if a lot of it is purely speculative, to give you the maximum option, then procedurally, you have to apply for an urban boundary amendment.

S. CARVALHO: All we want is to get that facility for our operation.

FUKE: So, I take it then, your request right now is really for this ten acre auto body repair shop?

S. CARVALHO: Right. Should something else come up in the future, I don't know, we'll have to go talk with Parker Ranch.

CHAIRMAN: Okay, for clarification, Mr. Carvalho, your application is going to be for just the 10 acres for the auto body repair shop and that the remainder of the parcel then would stay in the agricultural use?

S. CARVALHO: Where it is.

CHAIRMAN: Okay. All right. Members of the Commission, do you have any further questions? Walt, that answers your question?

HANLEY: Yes.

JITCHAKU: I have a question, Mr. Chairman. Mr. Carvalho, the staff read into the record Parker Ranch's approval for your 10 acres, however, has your lease agreement gone through as far as your finalization with the lease with Parker Ranch?

S. CARVALHO: No, we cannot go through until -.

JITCHAKU: So it's incumbent upon this particular -.

S. CARVALHO: That's right.

JITCHAKU: Thank you.

CHAIRMAN: Commissioner Hanley?

HANLEY: Yes, I had a question. What is the lease term that's been discussed for this parcel?

S. CARVALHO: A grand total of 30 years. Now all of this is ~~incumbent~~ upon if the request is approved. We have a 5 year review, every 5 years of the term of the lease with Parker Ranch. So this is what we will have on this side.

HANLEY: The reason for that question is the comments from the Department of Agriculture, I think it is, where that the request not be granted because there is a more suitable location coming up down the road. Would you like to comment on that?

S. CARVALHO: I sure would. We've been, the Waimea area has been waiting for this suitable location for quite some time. We know there is a proposed site. When it will be ready is anybody's guess. Now we are making an attempt to get closer to the area when it does become ready, by moving in that direction. I think the present site where we are located now does not allow for off-street relief, expand the type of work we're doing. And I see in the future that things are going to happen where they'll tell all these people doing this type work in that village commercial area to go into industrial area. Well, we're just trying to jump the gun and get out in that direction before these things happen, at the same time, expand our operation and provide a service to the community which is in dire need in that area.

HANLEY: Do you know where this proposed industrial area is on the map?

FUKE: To the best of my recollection, I guess Mr. Carvalho, you're referring to what Parker Ranch's preliminary proposal was and if you're looking at that map then and if you're talking about the same area, then it's really located to the Kailua side of the present dairy site.

S. CARVALHO: I think it's more down in this area.

FUKE: It's more in the flat. It would be about a mile away.

PIIANAIA: I believe Mr. Carvalho is referring to the existing General Plan Map which shows an industrial area.

FUKE: Mr. Carvalho, you know, you're talking about a 10-acre area for your auto body and repair shop and I would assume that that map, if it's an accurate depiction of the 10-acre portion, I kind of like suggest that the auto body repair shop is really a fraction of the entire 10-acre parcel. Now, what do you really propose to have surrounding that area to encompass the full 10 acres? What I'm trying to isolate right now is what really is your need? Is your need the full 10-acre area or is your need perhaps just a fraction of that?

S. CARVALHO: Okay, it's going to be an auto body repair, auto body shop and truck repair facility. Now, our intent is to use this as a parking area for trucks. We are going to try, as part of our business, to do repairs on vehicles that pass through Waimea. For example, busses that carry tourists, diesel vehicles. In other words, we want to get into this truck repair field. Okay, in addition to the auto body area. To do these things, you have to park vehicles, store them. So in back of the facility is a level piece of ground whereby these vehicles can be parked line by line to be worked on whenever we get there. In addition, when holidays and so forth come by, the work is cut out for us by the police department and us too on the road and towing vehicles for them. At times, we've had 5, 6, 7 over a weekend. They come into our area, we keep them there until the insurance company says we can move them somewhere else or tell us to repair. Sometimes they stay there for a month before we get on it. So the parking area or storage area will be used, it's going to be needed. Now, we're just looking ahead a little bit and not find we cut ourselves too small where we run into the same problem we are now.

PIIANAIA: Mr. Carvalho, where the existing structures are now, occupies let's say about 2 acres or so cause they're all spread out, then what you're saying is that you would actually need another 8 acres for vehicle storage?

S. CARVALHO: I don't really know. But I am figuring based on the situation here, the way the building is situated that in order to do the job we want, get it close to the facility, that we would circumnavigate the facility as they are now. And I would estimate that 10 acres would be appropriate. Now, should they not be appropriate, we can change that later, but I think that's the size of parcel that we're going to be actually needing as the time goes on.

PIIANAIA: If the special permit application were to be approved, would you be amenable, and we don't know if it's going to be approved or not, but would you be amenable to describing an area by metes and bounds and solely be limited to that area?

S. CARVALHO: Yes, we would. In fact, once the permit is approved, I intended to have that area, that we will specifically utilize for the shop, surveyed.

PIIANAIA: Are you intending to have that area subdivided out on the overall parcel?

S. CARVALHO: No, there's no intention of that sort.

PIIANAIA: Okay. You also mentioned that other people may sub-lease from you or lease from Parker Ranch, are you aware that if such a thing would happen, were to happen, in the future if this whole thing went through, you would have to subdivide the property?

S. CARVALHO: Well, I don't - all we want is the special use permit to do our job. We do not intend to subdivide, we do not intend to go through the paperwork of subdividing, we want to carry our business from where it is and put it in this location where we can better operate.

PIIANAIA: What I'm saying though is that say you're on 10 acres of the parcel, and you say other agricultural activities have shown interest may be carried out and as a lessee of Parker Ranch, you would be subleasing to other people. Well, in order to consummate a valid lease, you'd have to subdivide the lots out.

S. CARVALHO: Yes, I see what you're saying. That's true. If Parker Ranch goes along with it, then I don't think we can afford to do what subdivision would probably do. Maybe in the future, we might be able to do that. But anything we do, and it's understood with Parker Ranch, we have to go to talk to them.

PIIANAIA: I have another question if it's okay with the Commission. Are you looking towards this parcel as a permanent site or are you looking for land in fee or for another location?

S. CARVALHO: We are looking for the industrial. In other words, we're trying, we cannot wait any longer. We're trying to get a special use permit to set up our operation there, and should the time come when the industrial area is in fact a reality, then we intend to go to the industrial area. Now, how long that will be, I don't know. But we cannot wait.

CHAIRMAN: Mr. Carvalho, I appreciate the sense of urgency that you're communicating to the Commission. I think one of my concerns is that 10 acres of land sound like an awful lot of land for storage of vehicles as related to your business and I'm concerned about the scope of the special permit, should a special permit be granted in that area. We originally started talking about 33 plus acres, then we got down to 10, and now we're trying to define what your actual needs are going to be to carry out your business in a meaningful way and allow you to operate at a profit. And I really think that some additional thought should be given to that - what your actual need is going to be for your proposed operation.

JITCHAKU: Mr. Chairman, I have a question.

CHAIRMAN: Commissioner Jitchaku.

JITCHAKU: Mr. Carvalho, where you have the employee housing and rental, okay, just that portion and not the body shop and proposed storage area, do you know how many acres and how many square feet that area covers now, where the housing is?

S. CARVALHO: No, I don't.

JITCHAKU: Okay, I was just wondering because looking at that area, I'm familiar with the type of operation that you're talking about and basically, you're really going into a heavy-duty type of vehicle repair, I can understand the storage area. So I was just wondering because I know that most of the, okay, your body shop right now, there's no building there, that's just proposed right?

S. CARVALHO: No, there is a building.

JITCHAKU: Oh, there is a building also there. Aside from the housing?

S. CARVALHO: All those facilities -.

JITCHAKU: They're already there.

S. CARVALHO: Already there.

JITCHAKU: Okay, you don't know how much area that covers?

S. CARVALHO: No. So if that whole parcel were leased as one -.

JITCHAKU: Yes, I understand. No, I was just wondering like, you know, like we're looking at maybe 10 acres, but as what's existing now, I was wondering what area it covered; and because of the situation right now in Waimea and Kamuela, there's really no parking for any type of businesses that you're talking about right now. And I can say we have family that's in the business, so I know when it becomes, you have storage, you're going to be doing tow servicing and you need the area; so I was just concerned what the area covers right now.

S. CARVALHO: I don't know. As I say once we have the permit, I was intending to get a survey of the area to make sure that we had what we need, just the area that we said we were going to utilize, because we don't need the whole area, 33 acres. But -.

JITCHAKU: You were just considering 10 acres.

S. CARVALHO: We thought of 10 acres that could be justified for our use. I mean, it may seem large, granted, but after looking at what we intend to do and looking at our present location -.

JITCHAKU: Yes, I can see what you're getting at, and I can see the problems that you're going to run into because you're not only talking about Waimea itself because you probably will be taking Kohala and all the way down there.

S. CARVALHO: Honokaa.

JITCHAKU: And I know Hilo right now has a problem with those doing tow services as far as storage of vehicles because their service station is in one area and they're leasing acreage; and they are still looking for other areas because their sites are too small. Thank you.

CHAIRMAN: Okay, Commissioner Murakami.

MURAKAMI: At present, how many or whose trucks are involved in the repair side?

S. CARVALHO: Okay, right now, we are the major repair facility for the electric company trucks. They are one of our accounts. Now, until Island Dairy moved, we repaired all their vehicles. We do, from time to time, repair on Kona transportation vehicles when they pass through and they break down. We do some bus service; bus service has dropped off recently for one reason or another, but we did do bus service. We have individuals in line to utilize, to hire, if we get into diesel engines on these busses, which is a job market.

MURAKAMI: But let me ask another question. What do you folks see or can you give me some idea as to how often do you have these kind of trucks come in for repair?

S. CARVALHO: Every Saturday. Every Saturday it's the Hawaii Electric Company vehicles. We are responsible for their major service. Any day during the week, they have a breakdown, we are responsible to put them on the road immediately. Because during the week, the electric company needs their trucks. Regular service is done on a weekend. Any vehicle that passes through that needs immediate repair has come into our shop to get temporary repair.

MURAKAMI: And so, what I'm saying is that I can see the immediate need, so why you need 10 acres to park vehicles there?

S. CARVALHO: If we go into it in a more extended area, we're going to need them if they stay overnight. Like now, a lot of this work, we just do temporary repair. If it is at all possible for us to do the major repair to get it down, which is what we would like to get into, and which is our intent, they're going to be there overnight.

MURAKAMI: Give me some idea as to, you know, if you have 2 acres, how many trucks can you park?

S. CARVALHO: Two acres -.

MURAKAMI: I'm talking 2 acres without including the building.

S. CARVALHO: Now we're talking only about trucks now, we're also talking about cars. Remember, we're going to be doing body and fender work at the same time. Right now in our facility we don't take any more cars unless we call for them, except when they come in or the police calls us to go get them, we make a spot for them until we can clear them out. Now, we also have told Parker Ranch that in order to clean up the downtown area, we will provide a service to the community within the Kamuela-Waimea area free to tow a vehicle should any citizen want to get rid of it from his yard; provided it's towable on two wheels, whereby we will be able to dismantle parts that could be utilized and resold for a lot of the people coming in and wanting used parts. And then take the vehicle to the dump, like we do now.

CHAIRMAN: Okay, I think we can continue on this line of questioning for a while. One of the things that I'm going to recommend, Mr. Carvalho, is that possibly that should the public hearing be closed today, that you do meet with the department to determine really what your actual needs are going to be in terms of acreage. Are there any further questions from the Commissioners or the applicant? Yes?

HANLEY: I don't know whether this is a question, Chairman Mielcke, or not; but on page 2 where it says for disassembly of irreparable vehicles for disposal, that's a rather clean-up term. But I think what that's actually saying is that the property is going to be used for a wrecking yard and I was just wondering how much of that total that's contemplated will be used for a wrecking yard and how much for the other endeavors.

S. CARVALHO: Well, we intend to strip the vehicles. We don't intend to get any wrecking yard because as I stated, once we disassemble a vehicle of engine, transmission and things that are resalable, we'll take the vehicle and tow it to the dump. And I assure you, Kamuela, you probably can ask around and see our vehicles, our tow trucks, taking vehicles to the dump on a regular basis.

CHAIRMAN: You're not proposing a junk yard or strip vehicles and piling them up?

S. CARVALHO: No, I don't intend to maintain the hulks. We have a source in Hilo who buys them from us. Recently that's become available.

CHAIRMAN: Commissioner Murakami?

MURAKAMI: At present, the operation that you have, approximately how many acres do you have for the operation?

S. CARVALHO: The building we're in now is situated on about a half acre site.

MURAKAMI: In other words, you're using the full half acre and you still don't have enough?

S. CARVALHO: Oh, yes. In fact, part of it is sitting on Parker Ranch land, they haven't said too much about it yet.

CHAIRMAN: Any further questions of the applicant? Yes, Commissioner Sakamoto?

SAKAMOTO: How many people do you have working for you?

S. CARVALHO: Right now we have ten employees.

PIIANAIA: The staff has a question just for clarification. Mr. Carvalho, what is a wash rack?

S. CARVALHO: Okay, whenever we, before we work on any vehicle, we have to clean it up and after we clean it, all it is is a concrete slab with a couple of concretes sticking up whereby we wash it. It was used to wash the milking cows. And there's a fence around it. We just intend to put the fence down and dry right on it.

MURAKAMI: In other words, what you're saying is that you have something sort of a steam wash.

S. CARVALHO: We have a steam cleaning machine available and in that particular area we initially just want to take the dirt off and after you finish cleaning the vehicle in order to see what the job looks like, you can wash it down, then you check for oil, and things like that.

PIIANAIA: Chairman Mielcke, you mentioned that should the public hearing be closed you'd want Mr. Carvalho to meet with the staff to determine his needs. Because that may be very significant in terms of your decision and it would constitute new information, I would suggest that if you want this done, that you continue the public hearing.

FUKE: Essentially, Mr. Chairman, is that if the public hearing is closed, and when the staff reviews the application, we will be coming forth with a recommendation. The recommendation may be for the approval of the entire applicant's request, it could also constitute a denial, it could also be an approval subject to certain conditions, one of the conditions which could be relating to the size of the operation. Whatever the recommendation that we will provide, as in the past with other situations, would be, you know, especially as it pertains to conditions, discussing the matter with the applicant - if the hearing is closed, information which can be again presented to the Commission would only be on those items which had been raised thus far for clarification purposes only.

MURAKAMI: Mr. Chairman, one is that I don't think, at least if we know, pinpoint this area, what the 10 acres will be used for. I'd like to know what the spaces between all those buildings, too, in order to, you know, whether it can accommodate a certain amount of parking and all this. For this reason, I think we should get more information before we take action.

CHAIRMAN: Your point is well taken. I think, Commissioner Murakami, your point is well taken. I do understand, Sidney, what you're driving at. Is there any Member of the Commission who have questions they'd like to address to the applicant? All right, Mr. Carvalho, this a public hearing. There are no other questions from the Commissioners directly to you, however, there may be someone in the audience who would like to testify either for or against this application and if so, we'd like to ask that you remain so that you can answer any questions that are asked. Thank you.

This is a public hearing. Anyone who would like to testify either for or against this special permit application may do so at this time. Yes, would you state your name into the microphone please.

G. CARVALHO: I'm Gary Carvalho.

CHAIRMAN: Mr. Carvalho, I'll swear you in at this time. Do you swear to tell the truth and nothing but the truth on this matter now before the Planning Commission?

G. CARVALHO: Yes.

CHAIRMAN: Okay. Yes, Mr. Carvalho, go ahead.

G. CARVALHO: Yes, I'd like to say, he's my brother. He's my general manager. I'm Gary, and the reason I had him up here speaking for me is because I'm a mechanic by trade. Well, I've worked to build this company up in Kamuela from nothing. I've waited for the industrial area for seven years now. I've hired veterans and a lot of local boys. One thing I'd like you folks to do is put yourself in my shoes - when you start from scratch, you wait for something, it's a very hard thing. And all we're asking for is a portion of that property so we can get ourselves going. We more or less have to take the whole thing because it's evidently subdivided to 33 acres. Now, I just hope the board will take into consideration because I got a lot of money tied up in this thing and I don't have much time. I'll lose it. That's all I have to say.

CHAIRMAN: Mr. Carvalho, I want to thank you for your testimony and I want to assure you of the concern of the Commission over your application. What we really want to determine before we take positive action in the form of a recommendation to the State Land Use Commission one way or the other is what your needs are going to be so that we can determine how much of this agricultural land you're going to need for your proposed use; and I want you to know that it's not something that the Commission or the Department is going to try to sit on. We do want to have accurate information so that we can make a sound judgement and recommendation to the State Land Use Commission.

G. CARVALHO: Well, one thing is Mr. Frank Costa is giving me sufficient time to hang on for the Commission's decision. He told me, "Well, Gary, you can pay the lease rental until approval of the application, couple of months I'll hang in there and hope this thing will come out." He's willing to hang in there to see if we can get it or not.

CHAIRMAN: I want you to know we're not trying to put you off. The Commission really would -.

G. CARVALHO: No, I realize that, but I just hope that consideration be taken. We asked for the least amount as possible. We're asking for 10 acres out of 33.4 acres. I think we need every bit of those 10 acres.

CHAIRMAN: You do?

G. CARVALHO: Yes, sir. I've been in business a long time and as my brother says we don't intend a wrecking yard. It will take time to fix the cars, but we'll try to get them out. And we want

to keep the work area and the housing area nice and neat, so we don't want to park no cars in that area. The shop area and the housing area, we want to keep it neat for the people living there, clean yards, fence it off and keep it neat.

CHAIRMAN: Okay, thank you, Mr. Caravalho. Does anyone have any questions of Gary Caravalho? All right, today our role is to conduct a public hearing of which it affords the Commission the opportunity to receive information and the staff, from the petitioner, we accept the public testimony, and our action can be either to continue the public hearing or to close the public hearing. What is your pleasure?

SAKAMOTO: Mr. Chairman?

CHAIRMAN: Commissioner Sakamoto.

SAKAMOTO: I move to close the public hearing.

CHAIRMAN: Is there a second to the motion?

JITCHAKU: I second the motion.

CHAIRMAN: It has been moved by Commissioner Sakamoto and seconded by Commissioner Jitchaku that the public hearing be closed. We'll take a roll call vote.

HANLEY: Mr. Chairman?

CHAIRMAN: Commissioner Hanley.

HANLEY: This additional information that Commissioner Murakami has asked for, if the current motion is passed, the additional information cannot be presented, is that correct?

CHAIRMAN: No, I think that we have asked for additional information and we're on record as requesting that information no?

FUKE: On information which was already presented at today's meeting, on which there were responses on one form or another, yes, you can provide comments for clarification purposes. My understanding is that Commissioner Murakami's question related particularly to the location of the buildings and the space in-between the buildings, am I not correct?

MURAKAMI: Yes.

FUKE: Now, none of us, I think, have that information and to have that information, yes, that would constitute new information; but essentially, I would kind of like advise the Commission that if the Commission feels that that information is essential to your decision, then of course, the public hearing should be continued. On the other hand, that information you feel is not directly germane to your decision, then the hearing can be closed and action can be taken subsequently. In all special permits or other things, if the staff is going to recommend favorably on this particular petition, like in other applications, we have made as a standard condition that they must comply with all of the other applicable rules and regulations, which includes the plan approval review process, complies with the State Department of Health regulations, so on and so forth.

HANLEY: Could I ask for one more clarification? Could any adjustment be made in the size or boundaries of the area if the public hearing is closed?

CHAIRMAN: Sidney, I'll refer that question to you.

FUKE: I think that you will recall, if the question of size is of concern, you know, you will recall like you've considered special permits for quarries, now the guy may have requested like 300 some odd acres for a quarry site and when the permit is reviewed and acted upon by the Commission, the Commission would say I would recommend to the Land Use Commission favorable action subject to the conditions that the quarry site be no more than 25 acres of ..., you're so conditioning it. But the concern of the size is with this Commission, then of course, similar kinds of conditions can also be imposed.

CHAIRMAN: All right, there is a motion on the floor. The motion is to close the public hearing. It's made by Commissioner Sakamoto and seconded by Commissioner Jitchaku. Roll call vote?

PIIANAIA: Commissioner Hanley?

HANLEY: Aye.

PIIANAIA: Commissioner Jitchaku?

JITCHAKU: Aye.

PIIANAIA: Commissioner Murakami?

MURAKAMI: No.

PIIANAIA: Commissioner Paris?

PARIS: No.

PIIANAIA: Commissioner Sakamoto?

SAKAMOTO: Aye.

PIIANAIA: Chairman Mielcke?

CHAIRMAN: Aye.

PIIANAIA: Four to two, the motion carries.

CHAIRMAN: Yes, simple majority carries. All right, public hearing has been closed, Mr. Carvalho, and there is a 15-day waiting period before the Commission can take action on your application. Okay? And did you understand what the Director said in terms of the condition?

CARVALHO: Yes.

CHAIRMAN: Okay. Thank you very much. I know you've been here a long time this afternoon and I appreciate your frankness and your direct answers to the Commissioners' questions. They are, of course, very concerned when we get involved in questions of agricultural lands being converted to other uses.

S. CARVALHO: May I say something?

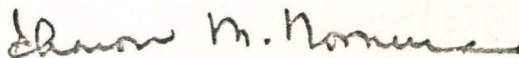
CHAIRMAN: Yes.

S. CARVALHO: All right, we appreciate the Commissioners' concern, okay, and we hope you'll appreciate ours. Anything that has to be done correctly, legitimately, that we do not know of, we would like to be made aware of and I will make every attempt to see that it gets done. I will. Commissioner Murakami wants the distance between the houses, I've made a note and if that is one of the conditions stipulated on the recommendation, I will see that it gets done.

CHAIRMAN: Thank you. We appreciate your attitude on this matter. Thanks very much.

Public hearing adjourned at 5:03 p.m.

Respectfully submitted,



Sharon M. Nomura
Secretary

A T T E S T :

William F. Mielcke
Chairman, Planning Commission

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
January 31, 1978

The Planning Commission met in regular session at 10:00 a.m. in the Civic Center Conference Room, Waimea, South Kohala, Hawaii, and at 3:00 p.m. in Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
J. Walsh Hanley
Shigeru Fujimoto
Lorraine R. Jitchaku
Haruo Murakami
William J. Paris
Charles H. Sakamoto

ABSENT: Ex-officio Member
Akira Fujimoto

Sidney M. Fuke, Director
Ilima Piianaia, Planner
Keith Kato, Planner

David Murakami, representing Ex-officio Member, Edward Harada
Alan Okamoto, Deputy Corporation Counsel

and about 6 people in attendance at 10:00 a.m. and
about 3 people in attendance at 3:00 p.m.

MINUTES: It was moved by Commissioner Murakami and seconded by Commissioner Paris that the minutes of January 12, 1978, be approved with typographical corrections. Motion was carried.

All those testifying were duly sworn in.

SPECIAL PERMIT
AKESHI HASHIMOTO
NANAWALE HOME-
STEADS, PUNA

Application of Akeshi Hashimoto for a Special Permit to allow the establishment of an anthurium packing and storage building and a garage for vehicle storage on approximately one (1) acre of land situated within the State Land Use Agricultural

District. The property involved is located along the Homestead Road which intersects with the Kea'au-Pahoa Road at the Pahoa Post Office, approximately 1,300 feet north of the post office, Nanawale Homesteads, Puna, TMK: 1-5-06:14.

Staff presented recommendation for approval with conditions on file.

Staff reported that the applicant, who was not present, had not been advised of the conditions.

EXHIBIT Z

It was moved by Commissioner Sakamoto and seconded by Commissioner Hanley to send a favorable recommendation to the State Land Use Commission with the conditions as outlined by the staff. A roll call vote was taken and motion carried with seven ayes.

VARIANCE
MITSUO ENOMOTO
WAIAKEA, SOUTH
HILO

Application of Mitsuo Enomoto for a variance to allow the construction of a second dwelling on a 19,326-square foot lot situated within the Single Family Residential - 10,000 square foot (RS-10) zoned district. The property involved is located along the Puna side of Mohouli Street, approximately 600 feet makai of Komohana Street, Waiakea, South Hilo, TMK: 2-4-24:44.

Staff presented denial recommendation on file.

The Chair recommended the application be deferred until there was a full-nine member commission.

The Planning Director reported that at this point in time the staff really is not in a position to recommend that the whole area be rezoned to a 7,500 square foot district and suggested that it be considered in conjunction with the update of the community development plan, which should take place in the latter part of this year.

It was moved by Commissioner Hanley and seconded by Commissioner Jitchaku that the application of Mitsuo Enomoto be deferred until there is a full nine-member commission. A roll call vote was taken and motion carried with six ayes (Commissioners Fujimoto, Hanley, Jitchaku, Paris, Sakamoto and Chairman Mielcke) and one no (Commissioner Murakami).

✓ SPECIAL PERMIT
GARY'S AUTOMOTIVE
SERVICE, INC.
WAIKOLOA, SOUTH
KOHALA

Application of Gary's Automotive Service, Inc., for a Special Permit to allow the establishment of an auto body repair shop, truck repair and vehicle storage area on approximately ten (10) acres of land situated within the State Land Use Agricultural District. The property involved is the former site of Island Dairy, located along the makai side of the Mamalahoa Highway, across from the entrance road to the Waimea-Kohala Airport, Waikoloa, South Kohala, TMK: 6-8-01:portion of 8.

Staff presented recommendation for approval with conditions on file.

Staff clarified Condition No. 1, that the total area of operation would be limited to four (4) acres and of these four acres, storage (long-term and short-term) of vehicles shall be limited to one and one-half (1-1/2) acres.

With regard to Commissioner Hanley's question, the Planning Director responded that the intent behind this condition was to legitimize the maximum of four acres of use, therefore the existing employee housing would be included within the four acres. The Planning Director pointed out that the reason for the stipulation of the maximum of 1-1/2 acres for the storage area is that if proper controls are not exercised the storage area could dominate the repair activities.

In reply to Commissioner Hanley's question, staff explained that the reason for Condition No. 3 was that because the area is subject to high winds, there could be a wind erosion problem. The Planning Director said it will be determined at the time of plan approval whether the storage area, parking area(s), and internal vehicular circulation areas would be oil treated or AC. The staff also explained Condition No. 7, that a vehicle on its own carriage could extend higher than 6 feet but that vehicles couldn't be piled higher than 6 feet.

Staff reported that the conditions have been discussed with the applicant.

The applicant's representative, Sario Caravalho, stated they did not intend to plant huge trees, but 4- to 5-foot seedlings which would grow into taller trees. Staff stated that it would satisfy Condition No. 6.

It was moved by Commissioner Jitchaku and seconded by Commissioner Murakami that the Commission send a favorable recommendation to the State Land Use Commission with the conditions outlined by the staff. A roll call vote was taken and motion carried with seven ayes.

Respectfully submitted,

Sharon M. Nomura

Sharon M. Nomura
Secretary

A T T E S T:

William F. Mielcke
Chairman, Planning Commission

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

February 21, 1978

Mr. Sidney Fuke
Planning Director
Hawaii Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

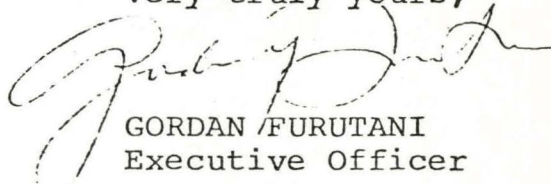
Enclosed is a Notice of Land Use Commission meeting and the Agenda for the Meeting.

Please note that petitions - SP78-288 - Kilauea Agronomics, Inc.,
✓ SP78-289 - Norman Greenwell/Roman Catholic Diocese of Honolulu and
✓ SP78-292 - Gary's Automotive Service, Inc.

will be acted on at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,



GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

February 21, 1978

Mr. Gary R. Caravalho, President
Gary's Automotive Service
P. O. Box 1030
Kamuela, Hawaii 96743

Dear Mr. Caravalho:

Enclosed is a Notice of Land Use Commission meeting and the
Agenda for the Meeting.

Please note that petition

SP78-292 - Gary's Automotive Service, Inc.

will be acted on at that time.

Should you have any questions on this matter, please contact
this office.

Very truly yours,



GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME, & PLACE

March 7, 1978 - 9:00 a.m.
Conference Room 322 (B&C)
New State Building
1151 Punchbowl Street
Honolulu, Hawaii

I. ACTION

1. A77-432 - County of Kauai

To reclassify approximately 1.35 acres of land presently in the Agricultural District into the Urban District at Kalaheo, Kauai for low and moderate income housing.

2. SP78-288 - Kilauea Agronomics, Inc.

To allow the establishment of an agricultural processing plant for diversified crops on approximately three (3) acres of land situated within the State Land Use Agricultural District at Mokuhonua, South Hilo, Hawaii.

3. SP78-289 - Norman Greenwell/Roman Catholic Diocese of Honolulu

To allow the establishment of a religious school on one acre of land situated within the State Land Use Agricultural District at Onouli 1st, South Kona, Hawaii.

4. SP78-290 - Maui Zendo of the Diamond Sangha, Inc.
dba Peahi Nursery School

To allow the operation of a pre-school and a lower elementary school program on approximately 0.604 acres of land situated within the State Land Use Agricultural District at Peahi, Maui.

✓ 5. SP78-292 - Gary's Automotive Service, Inc.

To allow the establishment of an auto body repair shop, truck repair and vehicle storage area on approximately ten (10) acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii.

6. A77-431 - Blackwell Construction, Inc.

To reclassify 34.38 acres, more or less, presently in the Agricultural District into the Rural District at Wailua, Kauai for low density residential-agricultural use.

II. MISCELLANEOUS

1. Adoption of Minutes NOV 3 1977 NOV 14 1977
2. Meeting Schedule

2/22/78 - A COPY OF THIS AGENDA WAS MAILED TO ALL PERSONS AND ORGANIZATIONS ON THE ATTACHED MAILING LISTS:

1. ALL ISLANDS
2. KAUAI
3. HAWAII
4. MAUI



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

FEB 9 11 06 AM '78

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKU
Director

DUANE KANUHA
Deputy Director

February 6, 1978

Mr. Gordan Furutani
Executive Officer
Land Use Commission
190 South King Street
Suite 1795
Honolulu, HI 96813

SP78-292

Dear Mr. Furutani:

Special Permit Application
Petitioner: Gary's Automotive Service, Inc.

In accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes, we are transmitting the decision and findings of the County Planning Commission on the above application.

The special permit request was to allow the establishment of an auto body repair shop, truck repair and vehicle storage area on approximately ten (10) acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-01:portion of 8.

The Planning Commission at a duly advertised public hearing held on January 12, 1978 in the Conference Room, State Building, South Hilo, Hawaii, discussed the subject request. The Commission on January 31, 1978, voted to recommend the approval of the special permit to the Land Use Commission based on the following findings:

That the desired use will not adversely affect surrounding properties. Surrounding lands are presently in airport, diversified agriculture, pasture, and vacant uses. Potential impacts from the requested use are increased noise, increased traffic, and possibly view of cars awaiting service. However, given the relatively isolated location of the subject property, and the imposition of mitigating conditions, it is not expected that such

potential impacts will be materially detrimental to surrounding properties. The Lalamilo Farm Lots are situated approximately 2000 feet to the north of the subject property while the Waimea-Kohala Airport is located approximately 1500 feet to the east. These areas will further be buffered by the proposed Waimea By-Pass Highway and the existing Mamalahoa Highway respectively. Given these distances, and the intervening highways, it is not expected that noise from the requested use will be significant impact. The subject property's access is off the Mamalahoa Highway via an easement. This highway is a major link between the east and west sides of the island and any additional traffic generated from the desired use will be relatively insignificant. Finally, the potential visual impact of vehicles being stored prior to service can be substantially mitigated by taking advantage of the existing topography and via landscaping.

That the proposed use will not unreasonably burden public agencies to provide roads, sewers, water and drainage facilities, and police and fire protection. None of the cooperating agencies charged with the responsibility of providing these services had any adverse comments on or objections to the subject request.

That unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The proposed use is one that provides a needed service for the Waimea region of the island. This need is evidenced by the existence of the same operation in another location in the area. The subject request arises out of the requirement to physically expand the operation. The proposed use is consistent with the General Plan goals and policies which call for the provision of adequate industrial sites in appropriate location. The Waimea area is rapidly growing yet current industrial zoning is limited to 6.0 acres, all of which is presently occupied. To accommodate the expansion of industrial activities, the General Plan Land Use Allocation Map designates a future industrial area in the vicinity of the subject site. Further, the proposed use is consistent with the County of Hawaii General Plan standards which state:

"Industrial development shall be located in areas adequately served by transportation, utilities, and other amenities."

"Off-street parking and loading facilities shall be provided."

"Industrial development shall be conveniently located to its labor source."

"Buffer zones shall be established between industrial and adjacent non-compatible uses of land."

Through conditions of approval, the subject request can also be developed to meet the General Plan Standard which states: "Industrial development shall maintain or improve the quality of the existing environment."

The favorable recommendation was also subject to the following conditions:

1. The total area of operation, including the existing structures, storage area and appurtenances, shall not exceed four (4) acres. Of these four (4) acres, the total storage area shall not exceed one and one-half (1-1/2) acres. A map showing these areas shall be submitted to the Planning Director for review and approval. Subsequent to the Planning Director's approval of the proposed areas, a metes and bounds description of the respective areas shall be submitted to the Planning Director. The corners of the respective areas shall be permanently staked with one-half (1/2) inch steel pipes or equivalent.
2. The storage area shall be adequately screened from views along the Mamalahoa Highway and the proposed Waimea By-Pass Road corridor by the existing topography and/or landscaping.
3. The storage area, parking area(s), and internal vehicular circulation areas shall be provided with an all-weather dust free surface.
4. A landscaping plan shall be submitted to the Planning Director for review and approval.
5. The Plan Approval process shall be complied with. Plans shall be submitted for plan approval within one (1) year of the effective date of the Special Permit.
6. Prior to occupancy all of the above conditions shall be complied with.
7. Vehicles in storage shall not be stacked higher than six (6) feet above the ground.
8. Upon termination of the use, the subject property shall be cleared of all materials not permanently fixed to the ground.

Mr. Gordan Furutani
Page 4

9. That all other rules and regulations shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

Enclosed are copies of the Exhibits from the subject docket.

Sincerely,



William F. Mielcke
Chairman, Planning Commission

lgv
Enclosures

cc Mr. Gary R. Caravalho
Land Use Division, DPED



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKU
Director

DUANE KANUHA
Deputy Director

February 2, 1978

Mr. Gary R. Caravalho, President
Gary's Automotive Service
P. O. Box 1030
Kamuela, HI 96743

Dear Mr. Caravalho:

Special Permit Application
TMK: 6-8-01:portion of 8

The Planning Commission at its regular meeting of January 31, 1978 considered your application for a special permit to allow the establishment of an auto body repair shop, truck repair and vehicle storage area on approximately ten (10) acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii.

The Commission voted to forward a favorable recommendation to the Land Use Commission subject to the following conditions:

1. The total area of operation, including the existing structures, storage area and appurtenances, shall not exceed four (4) acres. Of these four (4) acres, the total storage area shall not exceed one and one-half (1-1/2) acres. A map showing these areas shall be submitted to the Planning Director for review and approval. Subsequent to the Planning Director's approval of the proposed areas, a metes and bounds description of the respective areas shall be submitted to the Planning Director. The corners of the respective areas shall be permanently staked with one-half (1/2) inch steel pipes or equivalent.
2. The storage area shall be adequately screened from views along the Mamalahoa Highway and the proposed Waimea By-Pass Road corridor by the existing topography and/or landscaping.

Mr. Gary R. Caravvalho, President
Page 2
February 2, 1978

3. The storage area, parking area(s), and internal vehicular circulation areas shall be provided with an all-weather dust free surface.
4. A landscaping plan shall be submitted to the Planning Director for review and approval.
5. The Plan Approval process shall be complied with. Plans shall be submitted for plan approval within one (1) year of the effective date of the Special Permit.
6. Prior to occupancy all of the above conditions shall be complied with.
7. Vehicles in storage shall not be stacked higher than six (6) feet above the ground.
8. Upon termination of the use, the subject property shall be cleared of all materials not permanently fixed to the ground.
9. That all other rules and regulations shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

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

Sincerely,



William F. Mielcke
Chairman, Planning Commission

lgv

cc ✓ State Land Use Commission
Land Use Division, DPED

LIST OF EXHIBITS - GARY'S AUTOMOTIVE SERVICE, INC.

- A. Applicant's letter (11/22/77)
- A-1. Application form
- A-2 & 3. Applicants reasons
- A-4. Applicant's location map
- A-5. Applicant's site plan
- A-6. Applicant's proposed use of facilities plan
- A-7. Letter from James Whitman - Parker Ranch supporting Special Permit
(11/3/77)
- B. Departmental acknowledgement letter (11/29/77)
- C. Memo to agencies (11/29/77)
- D. Helco (12/1/77)
- E. Soil Conservation Service (12/2/77)
- F. DOT-Highways (12/5/77)
- G. Water Supply (12/5/77)
- H. Public Works (12/5/77)
- I. Police (12/7/77)
- J. Fire (12/12/77)
- K. Dept. of Agriculture (12/19/77)
- L. Dept. of Health (12/19/77)
- M. Letter to the applicant (12/28/77)
- M-1. Public hearing notice
- N. Letter to Richard Smart (12/92/77)
- O. Voting sheet - closed hearing
- P. Minutes (1/12/78)
- Q. Transcript (1/12/78)
- R. Letter to the applicant (1/13/78)
- S. Letter to the applicant (1/18/78)

- T. Staff area calculation and field check report
- U. Staff background
- V. Staff recommendation
- W. Location Map (please return)
- X. Plot Plan (please return)
- Y. Voting Sheet
- Z. Minutes 1/31/78

LUC

Gary's Automotive Service, Inc.
P. O. Box 1030
Kamuela, HI 96743

Planning Department
County of Hawaii
25 Aupuni Street
Hilo, HI 96720

Attention: Ms. Virginia Goldstein

November 22, 1977

Subject: Requirement for Special Permit

Dear Virginia:

Attached is the request for special use permit for the partial of land located at tax map key 6-8-01:8. We here by formally submit, this request for the use of this property as stated in justification attached to the permit.

We understand the zoning for this area is agricultural and that the County of Hawaii has it listed as unplanned.

We therefore submit that the proposed use will be of mutual benefit to the community and our organization, as stated in the justification attached to the application for special permit. We feel that the use of the facilities will no adversely affect the surrounding area nor the community.

The justifications explains our consideration and depicts what we determine to be an accurate assessment of our needs and the needs of the community.

We have consulted with the management of Parker Ranch. They have indicated no objection to our use of the property for the intended purpose as stated in their attached letter.

Your expeditious handling of this matter will be appreciated. Should you have any questions pertaining to this application, please contact me at 885-7915. Thank you for your cooperation.

Sincerely,



Sario J. Carvalho
Manager

SJC:gac

Enclosures

EXHIBIT A

005 74

PLANNING DEPARTMENT
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

77 NOV 23 PM 1 11

PLICATION FOR SPECIAL PERMIT

COUNTY OF HAWAII

PLANNING DEPARTMENT - PLANNING COMMISSION

APPLICANT: Gary's Automotive Service, Inc.

APPLICANT'S SIGNATURE: _____

ADDRESS: P. O. Box 1030 Kamuela, HI 96743

TELEPHONE: 885-7915

TAX MAP KEY: 6-8-01:8

AREA: 33.638 acres

(Size of Parcel)

OWNER: Gary R. Carvalho president of Gary's Automotive Service, Inc.

OWNER'S SIGNATURE: _____

APPLICANT'S INTEREST, IF NOT OWNER: _____

REQUESTED USE: auto body repair shop, truck repair and vehicle

storage area.

APPLICANT'S REASON(S) FOR REQUESTING SPECIAL PERMIT: *(Please attach)*

NOTE: The applicant must show that:

- (a) such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations;
- (b) the desired use shall not adversely affect surrounding properties;
- (c) such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection;
- (d) unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established;
- (e) the land upon which the proposed use is sought is unsuited for the uses permitted within the district;
- (f) the proposed use will not substantially alter or change the essential character of the land and the present use; and
- (g) the proposed use will make the highest and best use of the land involved for the public welfare.

THIS APPLICATION MUST BE ACCOMPANIED BY:

- (a) 16 copies of the completed application form with attachments.
- (b) 16 copies of a location map.
- (c) 16 copies of a site plan with existing and proposed uses.
- (d) any additional information.
- (e) \$100.00 processing fee.

For Official Use:

Date received _____
120th day _____
Public Hearing date _____
Action date _____
To Land Use Commission _____

- (a) Use not contrary to objectives sought to be accomplished by Land Use Law and Regulations.

Although the Land Use Law provides that lands in an agricultural district should be used for intensive cultivation (HRS Section 205-2), the proposed use is justified in that:

(1) The dairy presently occupying the land is moving to another location for the following reasons:

a) Undesirable grazing conditions on the subject parcel for its milking cattle.

b) New location is more ideally suited in terms of grazing conditions and size for the dairy operation.

(2) The dairy is leaving its facilities which applicant proposes to use with little or no modification for its operation.

(3) There is no land suitably zoned for applicant's use in the Waimea area; the subject parcel is ideally suited for the intended use.

(4) Only ten (10) acres will be used by applicant for the automotive operation. Three single-family dwellings situated on the subject parcel will be leased to applicant's employees. The remainder of the land will be subleased to certain other parties who will be engaged in agriculturally-related activities,

(5) The location of applicant's present operation is inadequate. Lack of facility space and lack of vehicle storage area greatly hinders applicant's present operational capability. Applicant's proposed use of a portion of the subject parcel will ideally serve applicant's needs and in serving the community by providing employment opportunities and a local repair facility that can accomodate the growing population.

- (b) No adverse effect on surrounding properties.

Surrounding area is presently utilized for grazing and for farming; applicant will be utilizing existing structures, without any structural modifications. Outside areas will only be used by applicant for storage of vehicles while awaiting repair, and for disassembly of irreparable vehicles for disposal. Furthermore, applicant will only utilize ten (10) acres of the total land of subject parcel for its automotive operation, leaving the remainder available for agriculturally-related activities.

- (c) No unreasonable burden on public agencies.

Additional roads or streets, or modifications to the existing roadway will not be necessary. The existing roadway is sufficiently wide to accomodate cattle and dairy trucks. Use of sewers, water and drainage facilities will not be increased beyond present use. Discarded oil will be collected for recycling, or for use by piggeries. No additional facilities will be required for school facilities. Police and fire protection

will not need to be increased; applicant will maintain a program for fire safety and for security, to minimize the incidence of danger from fires or loss from vandalism. Employees will be living in the homes on premises, thereby further reducing the possible incidence of vandalism or widespread fire.

(d) Unusual conditions since boundaries and regulations established.

In the general plan, the area just south of subject parcel is proposed as the industrial area for Waimea. The subject parcel is sufficiently outside of the commercial center or town, and at a sufficient distance from residential areas to no cause any annoyance or inconvenience to residents or to businesses. With the increasing population, there exists a definite need for increased auto repair facilities in the Waimea area. Also, a comparable facility is not available anywhere in the Waimea area; the closest major auto repair facility is in Kailua-Kona. The land the facilities as they exist are ideally suited for the proposed use, until such time that the industrial area actually becomes a reality.

(e) Land unsuited for uses permitted within district.

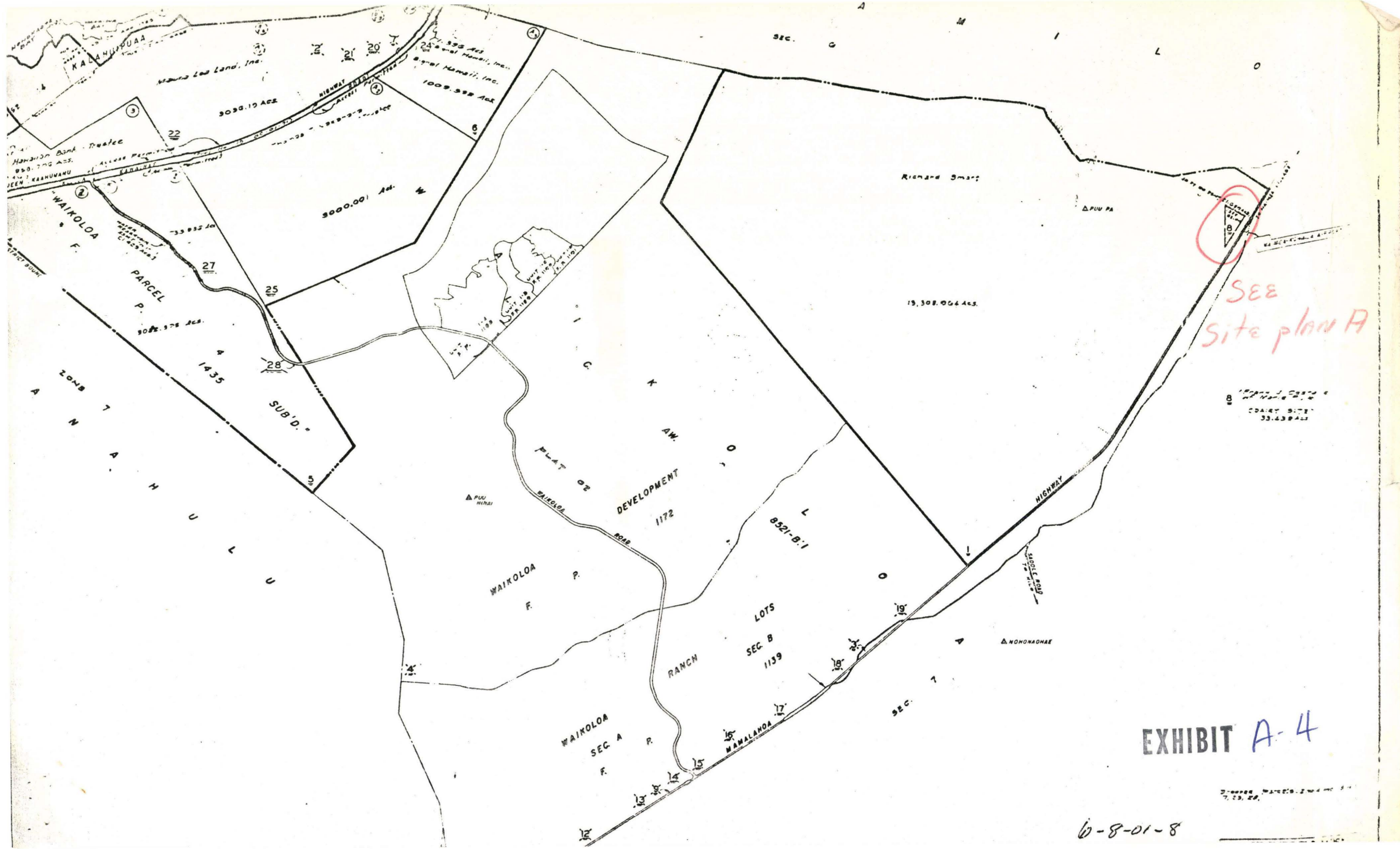
The present facilities house a dairy, so to change the use to other than a dairy would normally require removal or extensive renovation of the facilities. Applicant's proposed use calls for no removal and little or no renovation of said facilities. Under the circumstances, applicant feels that the proposed use is most beneficial for the existing facilities, and provides for closer compliance with existing rules and regulations.

(f) No substantial alteration or change of essential character of the land and present use.

The proposed use will not substantially alter the essential character of the land; use will be confined to ten (10) acres, which is the upon which and surrounding the existing structures. The remaining acreage will be used primarily for agriculturally-related activities. Also, additional trees will be planted around the periphery of applicant's operation to provide a "screen" from highway view.

(g) Highest and best use for the public welfare.

Because of the present use of the existing structures as a dairy, the highest and best use of the facilities will be made by applicant, without substantial alteration to the structures, and without increasing the burdens on the land upon which the facilities are situated. Also, applicant is the only concern which will provide a full-service automotive operation in the Waimea area. The public welfare will be well served by the number of jobs provided by the operation, and by the convenience of the availability of such an operation in the area.



SEE
Site plan A

EXHIBIT A-4

6-8-01-8

Site plan A

Tax Key 6-8-01:8

Not to Scale

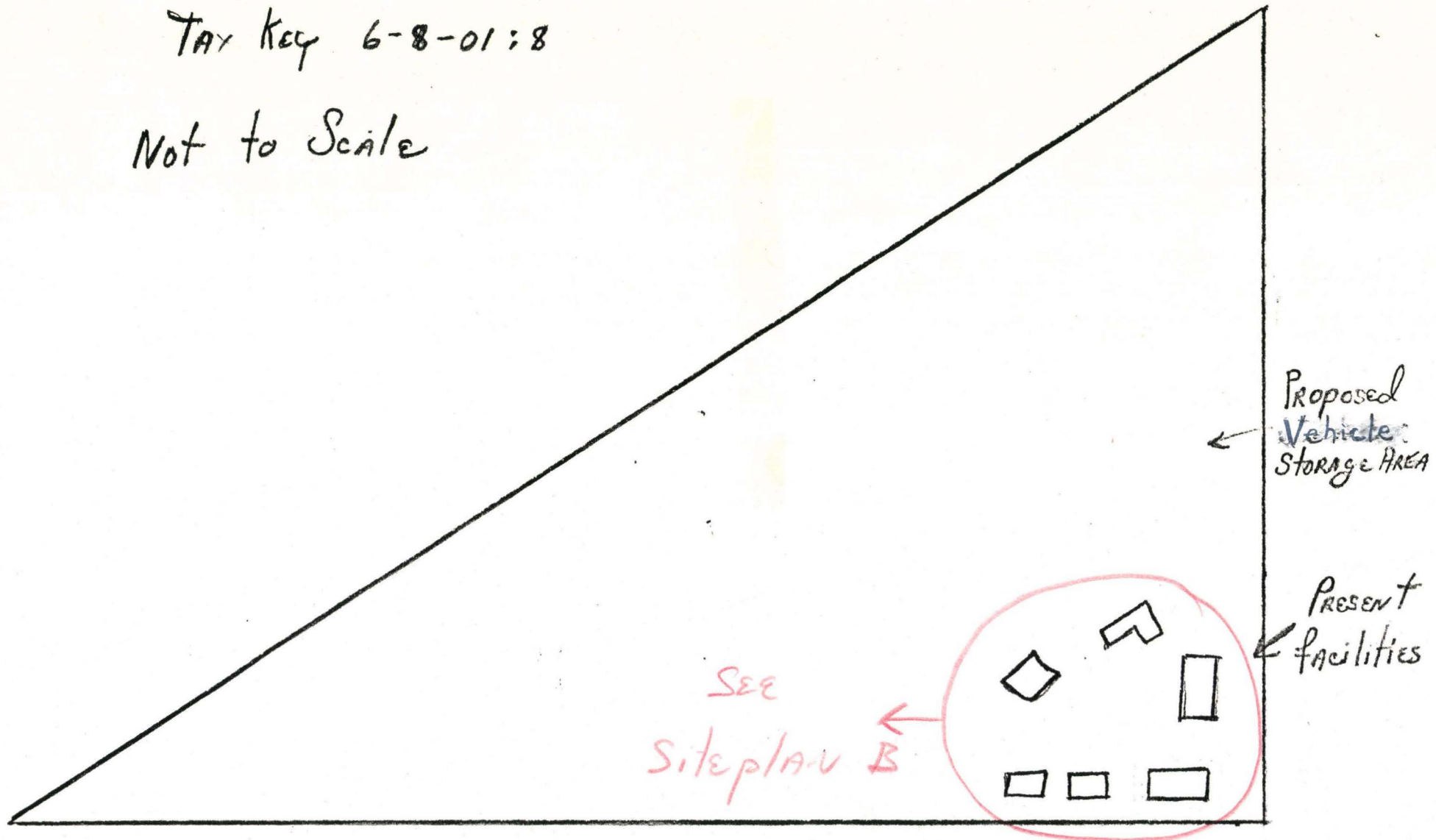


EXHIBIT A-5

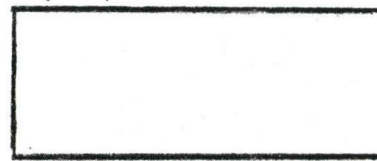
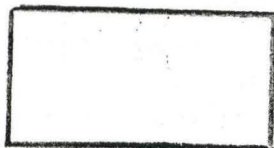
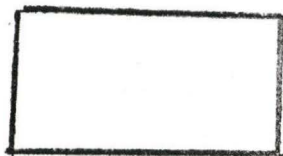
TAX Key 6-8-01:8
Not to Scale

Wash
Rack

used Parts
Storage

Paint
Booth
Body
Shop
&
Truck
Repair

Employee housing
& Rentals



Proposed Use of Facilities

EXHIBIT A-6

PARKER RANCH
KAMUELA, HAWAII 96743

November 3, 1977

Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Re: Gary's Automotive Service, Inc.
Special Permit Application
Tax Key: 6-8-01-8

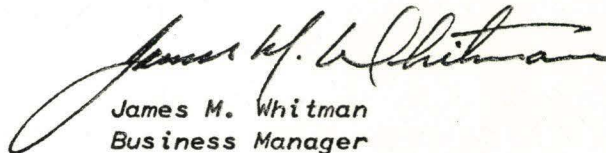
Dear Sir:

Kindly be advised that Parker Ranch has no objection to the Carvalhos' application for special permit to use the 33.438 acres covered by Tax Key: 6-8-01-8 for an auto repair and storage facility.

This parcel is presently being used by Mr. Frank Costa for his dairy operation, but will be vacated before year-end as Costa plans to relocate his operation.

We have agreed to lease this property to the Carvalhos should their application be approved.

Very truly yours,



James M. Whitman
Business Manager

JMW:ap

EXHIBIT A-7

November 29, 1977

Mr. Gary R. Carvalho, President
Gary's Automotive Service, Inc.
P. O. Box 1030
Kamuela, HI 96743

Dear Mr. Carvalho:

Special Permit Application
Tax Map Key 6-8-01:8
Auto body repair shop, truck repair
and vehicle storage area

This is to acknowledge receipt on November 23, 1977 of the above described special permit application.

The County Planning Commission shall conduct a public hearing on the request within a period of not less than thirty (30) nor more than one hundred twenty (120) days from the receipt of the application. The Planning Commission shall then act on the application not earlier than fifteen (15) days after the public hearing but within a reasonable time thereafter. Should the Planning Commission recommend favorably on the request, it will then be forwarded to the State Land Use Commission for final action.

However, the Planning Commission may deny the request if it is found that the proposed use does not meet the special permit guidelines. In this case, their decision is final. In accordance with the provisions of Chapter 205-6, Hawaii Revised Statutes, a denial by the Planning Commission may be appealable to the Circuit Court of the circuit in which the land is situated, in this case, the Third Circuit Court.

Notice of the time and place of the public hearing shall be forwarded when the application is scheduled for Commission action.

Should any questions arise, please contact Ilima Piianaia of this department at 961-8288.

Sincerely,

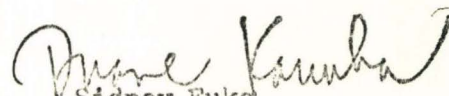

Sidney Fuke
Director

EXHIBIT B

IP/lgv

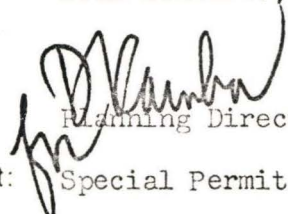
cc State Land Use Commission
Land Use Division. DPED

NOV 30 1977

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: DPW, DWS, Highways, Health, R&D, Police, Fire, Date: November 29, 1977
Soil Conserv., Dept. of Agr., Helco

From:  Planning Director

Subject: Special Permit Application - Autobody repair shop, truck repair &
vehicle storage area
Applicant - Gary's Automotive Service, Inc.
TMK: 6-8-01:8

The attached application for a special permit is forwarded for your review. May we have your written comments within two weeks. Thank you.

lgv
Encls.

EXHIBIT C

NOV 30 1977

HAWAII ELECTRIC LIGHT COMPANY, INC.

P. O. BOX 1027 HILO, HAWAII-96720



December 1, 1977

County of Hawaii
Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney M. Fuke
Director

Gentlemen:

SUBJECT: Special Permit Application - Autobody Repair
Shop, Truck Repair & Vehicle Storage Area
Applicant - Gary's Automotive Service, Inc.
TMK: 6-8-01:8

We have no comments to the above application as per
your memorandum of November 29, 1977.

Very truly yours,

J. Niwao (bk)
Jitsuo Niwao, Manager
Engineering Department

JN: bk

EXHIBIT D

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE, P. O. Box 1089, Kamuela, Hawaii 96743

SUBJECT: Gary's Automotive Service, Inc.
TMK: 6-8-01:8

DATE: 12-2-77

TO: Planning Dept.
County of Hawaii
Hilo, Hawaii 96720

The soils in this area are in the Waimea very fine sandy loam series. Based on an on site investigation, the slope at this site is about 2%. This soil is prime agricultural land if it is irrigated. The water erosion hazard on this soil is slight. When the vegetation is removed this soil has a moderate to severe wind erosion potential.

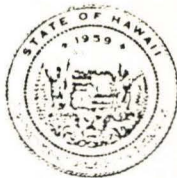
I know of no other soil or water related problems in granting this request.



E. J. Sprague
District Conservationist

EXHIBIT E





STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
HAWAII DISTRICT
50 MAKAALA STREET
P. O. BOX 4277
HILO, HAWAII 96720

IN REPLY REFER TO:

HWY-H
77-2.1232

December 5, 1977

MEMORANDUM:

TO: Director, Planning Department
County of Hawaii

FROM: District Engineer, Hawaii

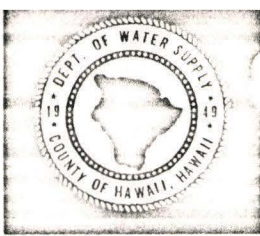
SUBJECT: () Change of Zone Application
() Variance Application
() Subdivision Application No.
(x) Special Permit Application
Gary's Automotive Service, Inc.
TMK 6-8-01:8

We have the following comment on the subject application:

The subject parcel abuts the State Highways rights-of-way through an easement and any outdoor advertising along the State Highway shall comply with Chapter 264, Part V, H.R.S.

CHAS L. SCHUSTER

EXHIBIT F



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

P. O. BOX 1820

HILO, HAWAII 96720

25 AUPUNI STREET

December 5, 1977

TO: Planning Department
FROM: Manager
SUBJECT: SPECIAL PERMIT APPLICATION
APPLICANT - GARY'S AUTOMOTIVE SERVICE, INC.
TAX MAP KEY 6-8-01:8

We have no adverse comments or objections to the subject request.


Akira Fujimoto
Manager

QA

cc - Gary Carvalho

... *Water brings progress...*

EXHIBIT G

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HAWAII

HILO, HAWAII

DATE December 5, 1977

Memorandum

TO : Planning Department

FROM : Chief Engineer

SUBJECT: Application for Special Permit
Applicant: Gary's Automotive Service, Inc.
Location: Waikoloa, South Kohala
TMK: 6-8-01:8

We have reviewed the subject application and our comments are as follows:

The proposed State Highway may affect this parcel.

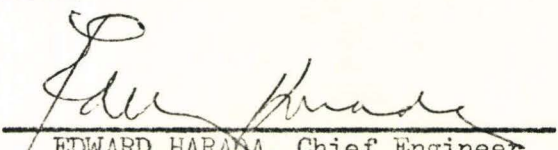

EDWARD HARADA, Chief Engineer

EXHIBIT H



POLICE DEPARTMENT

COUNTY OF HAWAII
349 KAPIOLANI STREET
HILO, HAWAII 96720



OUR REFERENCE

GUY A. PAUL

YOUR REFERENCE

CHIEF OF POLICE

December 7, 1977

TO : SIDNEY FUKU, PLANNING DIRECTOR
FROM : GUY A. PAUL, CHIEF OF POLICE
SUBJECT: SPECIAL PERMIT APPLICATION - GARY'S AUTOMOTIVE SERVICE, INC.
AUTOBODY REPAIR SHOP, TRUCK REPAIR & VEHICLE STORAGE AREA
TMK: 6-8-01:8

The special permit application submitted by Gary's Automotive Service, Inc. has been reviewed and from the police standpoint, we can foresee no adverse effects from the requested change.


GUY A. PAUL
CHIEF OF POLICE

EWN/RLP/k

EXHIBIT I

HAWAII FIRE DEPARTMENT • COUNTY OF HAWAII • HILO, HAWAII 96720

DATE December 12, 1977

Memorandum

TO : Planning Department

FROM : Fire Department

SUBJECT: Special Permit Application
Gary's Automotive Service, Inc.
TMK: 6-8-01:08

We can foresee no problems in connection with the granting of this application. Fire protection can be provided by the Waimea Fire Station personnel for this area.

Hiroshi Shishido

HIROSHI SHISHIDO
Deputy Fire Chief

rfd

EXHIBIT J

GEORGE R. ARIYOSHI
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
1428 SO. KING STREET
HONOLULU, HAWAII 96814

JOHN FARIAS, JR.
CHAIRMAN, BOARD OF AGRICULTURE

YUKIO KITAGAWA
DEPUTY TO THE CHAIRMAN

BOARD MEMBERS:

MEMBER - AT - LARGE

ERNEST F. MORGADO
MEMBER - AT - LARGE

Sidney Goo
MEMBER - AT - LARGE

SHIZUTO KADOTA
HAWAII MEMBER

STEPHEN Q. L. AU
KAUAI MEMBER

FRED M. OGASAWARA
MAUI MEMBER

December 19, 1977

MEMORANDUM

To: Mr. Sidney Fuke, Director
Hawaii County Planning Department

Subject: Special Permit Application
Autobody Repair Shop, Truck Repair and
Vehicle Storage Area
Gary's Automotive Service, Inc.
TMK: 6-8-01: 8

The Department of Agriculture has reviewed the subject application, and submits the following comments.

We understand that the applicant is requesting the special permit for a 33.638-acre parcel; ten acres are planned for automotive service activities which include three existing single-family dwellings to be used for employee housing. The nature of the other agriculturally-related activities proposed for the balance of the parcel, once the special permit is approved, is unclear.

The subject parcel is approximately 2,000 feet from one of the more productive truck crop farming areas on the Island of Hawaii. A more suitable location for the type of activity proposed by the applicant may be in the industrial area proposed at some future date.

We appreciate the opportunity to comment.

A handwritten signature in dark ink, appearing to read "John Farias, Jr.", is written over the typed name.

JOHN FARIAS, JR.
Chairman, Board of Agriculture

EXHIBIT K

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: DPW, DWS, Highways, Health, R&D, Police, Fire, Date: November 29, 1977
Soil Conserv., Dept. of Agr., Helco

From: *[Signature]*
Planning Director

Subject: Special Permit Application - Autobody repair shop, truck repair &
vehicle storage area
Applicant - Gary's Automotive Service, Inc.
TMK: 6-8-01:8

The attached application for a special permit is forwarded for your review. May we have your written comments within two weeks. Thank you.

lgv
Encls.

Department of Health
Hilo, Hawaii
December 19, 1977

COMMENTS

Working places is the Kuleana of the Department of Labor. Building plans for mechanical ventilating or air conditioning systems and sewage disposal systems shall be reviewed and approved by the Department of Health.

[Signature]
HAROLD MATSUURA
Chief Sanitarian, Hawaii

EXHIBIT L

December 28, 1977

Mr. Gary R. Caravalho, President
Gary's Automotive Service, Inc.
P. O. Box 1030
Kamuela, HI 96743

Dear Mr. Caravalho:

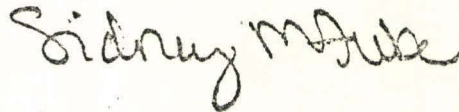
Notice of a Public Hearing
Special Permit Application
Tax Map Key 6-8-01:portion of 8

This is to inform you that your request has been scheduled for a public hearing. Said hearing among others will be held beginning at 3:00 p.m. on Thursday, January 12, 1978 in the Conference Room, State Building, South Hilo, Hawaii.

The presence of a representative will be appreciated in order that all questions relative to the request may be clarified.

A copy of the hearing notice is enclosed for your information.

Sincerely,



Sidney Fuke
Director

lgv

Enclosure

cc State Land Use Commission
Land Use Division, DPED

EXHIBIT M

DEC 29 1977

PUBLIC HEARINGS
PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Section 5-4.3 of the Charter of the County of Hawaii.

PLACE: Conference Room, State Building, South Hilo, Hawaii

DATE: Thursday, January 12, 1978

TIME: 3:00 p.m.

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the following requests:

1. PETITIONER: MITSUO ENOMOTO

LOCATION: Along the Puna side of Mohouli Street, approximately 600 feet makai of Komohana Street, Waiakea, South Hilo.

TMK: 2-4-24:44

PURPOSE: Variance to allow the construction of a second dwelling on a 19,326-square foot lot situated within the Single Family Residential-10,000 square foot (RS-10) zoned district.

2. PETITIONER: MARY ARRUDA

LOCATION: Along the mauka side of Kaiwika Road, approximately 2.3 miles mauka of Wainaku Camp 2, Kaiwika Homesteads, South Hilo.

EXHIBIT M-1

TMK: 2-6-10:46

PURPOSE: Change of zone for 10.18 acres of land from an Agricultural 10-acre (A-10a) to an Agricultural 5-acre (A-5a) zoned district.

3. PETITIONER: DUANE CARLSMITH

LOCATION: Along the southerly side of 'I'iwipōlena Street, approximately 3,200 feet from the 'I'iwipōlena Street-Kaumana Drive intersection, Ponahawai, South Hilo.

TMK: 2-5-35:64

PURPOSE: Variance to allow the creation of a 9,596-square foot lot in lieu of the minimum building site area requirement of 10,000 square feet as stipulated within the Single Family Residential - 10,000 square foot (RS-10) zoned district.

4. PETITIONER: TORAO SONOMURA

LOCATION: Along the east side of Kalaniai Road, approximately 1.2 miles mauka of the Hawaii Belt road in Kalopa Homesteads, Hamakua.

TMK: 4-4-8:6

PURPOSE: Variance to allow the creation of a 4.99-acre lot in lieu of the minimum building site area requirement of five (5) acres as stipulated within the Agricultural 5-acre (A-5a) zoned district.

5. PETITIONER: CHRISTOPHER HOY

LOCATION: Along the south side of a 50-foot wide Homestead Road, approximately 2.3 miles mauka of Honokaa Town, Ahualoa Homesteads, 3rd Series, Hamakua.

TMK: 4-5-11:12

PURPOSE: Variance from the minimum roadway standards to allow a 14-foot wide oil-treated surface in lieu of the 20-foot requirement for a proposed 3-lot subdivision.

✓ 6. PETITIONER: GARY'S AUTOMOTIVE SERVICE INC.

LOCATION: Former site of Island Dairy, along the makai side of the Mamalahoa Highway, in the vicinity of the entrance road to the Waimea-Kohala Airport, Waikoloa, South Kohala.

TMK: 6-8-01:portion of 8

PURPOSE: Special Permit to allow the establishment of an auto body repair shop, truck repair and vehicle storage area on approximately 10 acres of land situated within the State Land Use Agricultural District.

7. PETITIONER: AKESHI HASHIMOTO

LOCATION: Along the east side of the homestead road which intersects with the Keaau-Pahoa Road at the Pahoa Post Office and approximately 1300 feet north of the post office, Nanawale Homesteads, Puna.

TMK: 1-5-06:14

PURPOSE: Special Permit to allow the establishment of an anthurium packing and storage building and a garage for vehicle storage on approximately 1 acre of land located within the State Land Use Agricultural District.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION
WILLIAM F. MIELCKE, Chairman
By SIDNEY M. FUKU
Planning Director

(Hawaii Tribune-Herald: January 1 and 10, 1978.)

December 29, 1977

Mr. Richard Smart
Parker Ranch
Kamuela, HI 96743

Dear Mr. Smart:

Special Permit Application
Gary's Automotive Service, Inc.
Tax Map Key: 6-2-01-8

This is to inform you as a surrounding property owner that a public hearing on the subject application for an auto repair and storage facility will be held on January 12, 1978, at the Conference Room of the State Building, South Hilo, Hawaii. Public hearing among others will begin at 3:00 p.m.

Sincerely,

Sidney M. Fuke

Sidney M. Fuke
Director

IP/smn

EXHIBIT N

JAN 3 1978

Date January 12, 1978

 Preliminary hearing / Public hearing Request

Schedule for public hearing

close

EXHIBIT 0

Lhe

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
January 12, 1978

The Planning Commission met in regular sessions at 12:30 p.m. in the Conference Room, State Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
J. Walsh Hanley
Shigeru Fujimoto (Left at 2:46 p.m.)
Lorraine R. Jitchaku
Haruo Murakami
William J. Paris
Charles H. Sakamoto

Sidney M. Fuke, Director (Left at 2:30 p.m. and returned at 4:10 p.m.)
Duane Kanuha, Deputy Planning Director (From 3:00 p.m. to 4:10 p.m.)
Ilima Piianaia, Planner
Keith Kato, Planner

David Murakami, representing Ex-officio Member, Edward Harada (Left at 6:12 p.m.)
Quirino Antonio, representing Ex-officio Member, Akira Fujimoto (Left at 4:32 p.m.)
Roxanna Garcia, Ass't. Corporation Counsel (Left at 6:12 p.m.)

and about 9 people in attendance

EXHIBIT P

Staff presented recommendation for approval with conditions on file.

The applicant, Christopher Hoy, said he was able to comply with the conditions imposed and fully understood them.

It was moved by Commissioner Paris and seconded by Commissioner Jitchaku that the public hearing be closed; motion was carried.

It was moved by Commissioner Murakami and seconded by Commissioner Jitchaku that the application of Christopher Hoy for a variance be approved with the conditions outlined by the staff. A roll call vote was taken and motion carried with six ayes.

SPECIAL PERMIT
✓ GARY'S AUTOMOTIVE
SERVICE, INC.
WAIKOLOA, SOUTH
KOHALA

Public hearing on the application of Gary's Automotive Service, Inc., for a Special Permit to allow the establishment of an auto body repair shop, truck repair and vehicle storage area on approximately ten (10) acres of land situated within the State Land Use Agricultural District. The property involved is the former site of Island Dairy, located along the makai side of the Mamalahoa Highway, across from the entrance road to the Waimea-Kohala Airport, Waikoloa, South Kohala, TMK: 6-8-01:portion of 8.

Staff presented background information on file.

Staff read into the record a letter dated November 3, 1977, from James Whitman, business manager of Parker Ranch.

The applicant's representative, Sario Carvalho, reported that their Special Permit request was for 33.63 acres although they would only be using 10 acres for their facility. They did not at this point in time know what the remaining acreage would be used for although they did receive inquiries from farmers.

The Planning Director pointed out that Special Permits are for specific uses only; therefore, a blanket approval cannot be given for an industrial complex or quasi-industrial complex. If this is the case, he pointed out that from the County's standpoint as well as the State Land Use Commission's standpoint, the applicant may be asked to refile the petition for an urban boundary amendment.

Mr. Carvalho clarified their intent was to obtain a special permit for their facility and the immediate area surrounding it, and the only reason for requesting the entire 33 acres was that the lease of 33 acres was considered one parcel. In reply to the Department of Agriculture's comments that there is a more suitable location coming up down the road, Mr. Carvalho said they have been waiting for this location for quite some time and when it will be ready is anybody's guess. He said their present location does not allow for them to expand to the type of business they are proposing and that he foresaw that they would eventually be asked to move into an industrial area rather than the present village commercial area. Therefore, they are attempting to get closer to the industrial area.

The Chair expressed the Commissioners' concern that 10 acres seemed like a lot of land for their proposal. Further discussion was had

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
January 12, 1978

A regularly advertised public hearing, on the application of Gary's Automotive Service, was called to order at 5:03 p.m. in the Conference Room, State Building, South Hilo, Hawaii, by Chairman William F. Mielcke.

PRESENT: William F. Mielcke
J. Walsh Hanley
Lorraine R. Jitchaku
Haruo Murakami
William J. Paris, Jr.
Charles H. Sakamoto

ABSENT: Shigeru Fujimoto
Quirino Antonio,
Water Supply

Sidney M. Fuke, Director
Ilima Piianaia, Planner
Keith Kato, Planner

David Murakami, representing Ex-officio Member, Edward Harada
Roxanna Garcia, Deputy Corporation Counsel

and about 6 people in attendance

CHAIRMAN: This is a public hearing on the application of Gary's Automotive Service, Inc., for a Special Permit to allow the establishment of an auto body repair shop, truck repair and vehicle storage area on approximately ten (10) acres of land situated within the State Land Use Agricultural District. The property involved is the former site of Island Dairy, located along the makai side of the Mamalahoa Highway, across from the entrance road to the Waimea-Kohala Airport, Waikoloa, south Kohala, TMK: 6-8-01:portion of 8. Staff?

PIIANAIA: Presented background information on file.

CHAIRMAN: Thank you, Ilima. Members of the Commission, do you have any questions on the background report? This is a special permit application -.

PIIANAIA: Excuse me. May I clarify something?

CHAIRMAN: Sure.

PIIANAIA: I'll read a letter into the record. The land is owned by Parker Ranch and it has been leased to Mr. Costa as far as I understand; and we have a letter on record dated November 3, 1977, from James Whitman, business manager from Parker Ranch. (Read letter into the record.)

EXHIBIT

Q

CHAIRMAN: Thank you, Ilima. Members of the Commission, do you have any questions of the staff? Again, this is a special permit and we would not be taking any action until 15 days after the public hearing is closed. Commissioner Murakami?

MURAKAMI: Ilima, can you give us, you know, of course as far as the Department of Public Works' comments and the State Highways', about the subject parcel abuts the State Highways rights-of-way, which side of the property does the highway abut?

PIIANAIA: The parcel is here and there's an easement here to the property, so it doesn't really abut the State Highway, but the easement abuts -.

MURAKAMI: Then as far as the highway is concerned, it doesn't interfere as far as the garage or the property is concerned, huh?

PIIANAIA: It doesn't appear to.

MURAKAMI: What?

PIIANAIA: It doesn't appear to abut except through the easement.

CHAIRMAN: Commissioner Hanley?

HANLEY: I have two questions. Is the special permit for 10 acres or 33 acres?

PIIANAIA: I'd like to get that clarified by the petitioner. It conflicts and this is something we'd like to clarify here.

CHAIRMAN: Okay, can you hold that until we call the applicant up?

HANLEY: Sure. I had one other - do you know what Chapter 264, Part V, H.R.S. regarding advertising along the State Highway is?

PIIANAIA: I believe it's the section of the revised statute that refers to billboards.

HANLEY: You don't know what size sign it would allow or how close or anything?

PIIANAIA: No, I don't.

HANLEY: Do you know?

MURAKAMI: No, the regulation is kind of new. They have a revised one. Anyway, if in the event the State Highway goes through, they have to come to the State to conform with the regulations.

CHAIRMAN: Thank you. Members of the Commission, are there any further questions of the staff? At this time the Chair would like to call the applicant or a representative of the applicant forward.

I'll swear you in at this time. If you'll raise your hand, do you swear to tell the truth and nothing but the truth on this matter now before the Planning Commission?

S. CARAVALHO: I do.

CHAIRMAN: Would you state your name directly into the microphone.

S. CARAVALHO: My name is Sario Carvalho.

CHAIRMAN: Would you spell your last name for us.

S. CARAVALHO: C a r a v a l h o.

CHAIRMAN: Mr. Carvalho, there is a question that was raised by Commissioner Hanley concerning your application. Are you in fact requesting the special permit for 33.63 acres or just for the 10 acres?

S. CARAVALHO: We are requesting the permit for the full acres.

CHAIRMAN: For the full 33. -?

S. CARAVALHO: We intend to use only 10 acres for the automotive service, the rest of it we expect and have had inquiries to lease to various agriculture-related type functions, whoever wants to rent it. We have several farmers that are interested, and cattlemen have been asking. We don't want to commit to anybody until we obtain this.

CHAIRMAN: Ilima, is this consistent with your understanding of the application?

PIIANAIA: Well, basically, the special permit is for the auto body repair shop, truck repair and vehicle storage area on 10 acres of the parcel. It gets very complicated because other uses that might come on to the property if they were agriculturally related, they may be allowed in the ag district. What the special permit covers is basically these nonagricultural uses and its specific uses being requested. The problem is that, for instance, if they came in to lease, they'd have to subdivide out eventually and just for the legal uses; but if you want to have others, anything of commercial use will not be allowed.

FUKE: In this particular instance, under the special permit provisions, you would have to apply for a specific use. It can't be kind of like a blanket approval for an industrial complex or quasi-industrial complex. If you're going to come in for a request as you had represented in the area of about 33, 34 acres and your uses are still undefined at this point in time, then it would be tantamount to coming in for an urban reclassificatory action. And I'm quite sure that from our standpoint as well as the State Land Use Commission's standpoint, they may be put in a position to ask you to refile your petition for an urban boundary amendment as opposed to special use permits. Special Use Permit is specifically for a particular use and not something that you'd like to think about for maybe 5 or 6 years down the line, you'd like to have that kind of use. If that's your intent, then I would like to recommend that you go through the urban boundary procedures as opposed to the special permit.

S. CARAVALHO: I see. That is not our intent. Our intent is to obtain a special use for this facility and the immediate area surrounding it. Now, the only reason for the whole 33 acres is that it is at present one parcel and Parker Ranch has consented for us to use the

whole area. Now, if we do anything in the area other than what we're doing, it has to be approved also by Parker Ranch anyway - before we go any further from this.

FUKE: Well, see, what is before the Planning Commission at this point in time is just your auto body repair shop. If you want to expand the use to include other kinds of activities which are not related to your auto body repair shop, then you would have to come in with another special permit request or your alternative is to clearly identify at this point in time what you want to do. And if a lot of it is purely speculative, to give you the maximum option, then procedurally, you have to apply for an urban boundary amendment.

S. CARVALHO: All we want is to get that facility for our operation.

FUKE: So, I take it then, your request right now is really for this ten acre auto body repair shop?

S. CARVALHO: Right. Should something else come up in the future, I don't know, we'll have to go talk with Parker Ranch.

CHAIRMAN: Okay, for clarification, Mr. Carvalho, your application is going to be for just the 10 acres for the auto body repair shop and that the remainder of the parcel then would stay in the agricultural use?

S. CARVALHO: Where it is.

CHAIRMAN: Okay. All right. Members of the Commission, do you have any further questions? Walt, that answers your question?

HANLEY: Yes.

JITCHAKU: I have a question, Mr. Chairman. Mr. Carvalho, the staff read into the record Parker Ranch's approval for your 10 acres, however, has your lease agreement gone through as far as your finalization with the lease with Parker Ranch?

S. CARVALHO: No, we cannot go through until -.

JITCHAKU: So it's incumbent upon this particular -.

S. CARVALHO: That's right.

JITCHAKU: Thank you.

CHAIRMAN: Commissioner Hanley?

HANLEY: Yes, I had a question. What is the lease term that's been discussed for this parcel?

S. CARVALHO: A grand total of 30 years. Now all of this is incumbent upon if the request is approved. We have a 5 year review, every 5 years of the term of the lease with Parker Ranch. So this is what we will have on this side.

HANLEY: The reason for that question is the comments from the Department of Agriculture, I think it is, where that the request not be granted because there is a more suitable location coming up down the road. Would you like to comment on that?

S. CARVALHO: I sure would. We've been, the Waimea area has been waiting for this suitable location for quite some time. We know there is a proposed site. When it will be ready is anybody's guess. Now we are making an attempt to get closer to the area when it does become ready, by moving in that direction. I think the present site where we are located now does not allow for off-street relief, expand the type of work we're doing. And I see in the future that things are going to happen where they'll tell all these people doing this type work in that village commercial area to go into industrial area. Well, we're just trying to jump the gun and get out in that direction before these things happen, at the same time, expand our operation and provide a service to the community which is in dire need in that area.

HANLEY: Do you know where this proposed industrial area is on the map?

FUKE: To the best of my recollection, I guess Mr. Carvalho, you're referring to what Parker Ranch's preliminary proposal was and if you're looking at that map then and if you're talking about the same area, then it's really located to the Kailua side of the present dairy site.

S. CARVALHO: I think it's more down in this area.

FUKE: It's more in the flat. It would be about a mile away.

PIIANAIA: I believe Mr. Carvalho is referring to the existing General Plan Map which shows an industrial area.

FUKE: Mr. Carvalho, you know, you're talking about a 10-acre area for your auto body and repair shop and I would assume that that map, if it's an accurate depiction of the 10-acre portion, I kind of like suggest that the auto body repair shop is really a fraction of the entire 10-acre parcel. Now, what do you really propose to have surrounding that area to encompass the full 10 acres? What I'm trying to isolate right now is what really is your need? Is your need the full 10-acre area or is your need perhaps just a fraction of that?

S. CARVALHO: Okay, it's going to be an auto body repair, auto body shop and truck repair facility. Now, our intent is to use this as a parking area for trucks. We are going to try, as part of our business, to do repairs on vehicles that pass through Waimea. For example, busses that carry tourists, diesel vehicles. In other words, we want to get into this truck repair field. Okay, in addition to the auto body area. To do these things, you have to park vehicles, store them. So in back of the facility is a level piece of ground whereby these vehicles can be parked line by line to be worked on whenever we get there. In addition, when holidays and so forth come by, the work is cut out for us by the police department and us too on the road and towing vehicles for them. At times, we've had 5, 6, 7 over a weekend. They come into our area, we keep them there until the insurance company says we can move them somewhere else or tell us to repair. Sometimes they stay there for a month before we get on it. So the parking area or storage area will be used, it's going to be needed. Now, we're just looking ahead a little bit and not find we cut ourselves too small where we run into the same problem we are now.

PIIANAIA: Mr. Caravalho, where the existing structures are now, occupies let's say about 2 acres or so cause they're all spread out, then what you're saying is that you would actually need another 8 acres for vehicle storage?

S. CARAVALHO: I don't really know. But I am figuring based on the situation here, the way the building is situated that in order to do the job we want, get it close to the facility, that we would circumnavigate the facility as they are now. And I would estimate that 10 acres would be appropriate. Now, should they not be appropriate, we can change that later, but I think that's the size of parcel that we're going to be actually needing as the time goes on.

PIIANAIA: If the special permit application were to be approved, would you be amenable, and we don't know if it's going to be approved or not, but would you be amenable to describing an area by metes and bounds and solely be limited to that area?

S. CARAVALHO: Yes, we would. In fact, once the permit is approved, I intended to have that area, that we will specifically utilize for the shop, surveyed.

PIIANAIA: Are you intending to have that area subdivided out on the overall parcel?

S. CARAVALHO: No, there's no intention of that sort.

PIIANAIA: Okay. You also mentioned that other people may sub-lease from you or lease from Parker Ranch, are you aware that if such a thing would happen, were to happen, in the future if this whole thing went through, you would have to subdivide the property?

S. CARAVALHO: Well, I don't - all we want is the special use permit to do our job. We do not intend to subdivide, we do not intend to go through the paperwork of subdividing, we want to carry our business from where it is and put it in this location where we can better operate.

PIIANAIA: What I'm saying though is that say you're on 10 acres of the parcel, and you say other agricultural activities have shown interest may be carried out and as a lessee of Parker Ranch, you would be subleasing to other people. Well, in order to consummate a valid lease, you'd have to subdivide the lots out.

S. CARAVALHO: Yes, I see what you're saying. That's true. If Parker Ranch goes along with it, then I don't think we can afford to do what subdivision would probably do. Maybe in the future, we might be able to do that. But anything we do, and it's understood with Parker Ranch, we have to go to talk to them.

PIIANAIA: I have another question if it's okay with the Commission. Are you looking towards this parcel as a permanent site or are you looking for land in fee or for another location?

S. CARAVALHO: We are looking for the industrial. In other words, we're trying, we cannot wait any longer. We're trying to get a special use permit to set up our operation there, and should the time come when the industrial area is in fact a reality, then we intend to go to the industrial area. Now, how long that will be, I don't know. But we cannot wait.

CHAIRMAN: Mr. Carvalho, I appreciate the sense of urgency that you're communicating to the Commission. I think one of my concerns is that 10 acres of land sound like an awful lot of land for storage of vehicles as related to your business and I'm concerned about the scope of the special permit, should a special permit be granted in that area. We originally started talking about 33 plus acres, then we got down to 10, and now we're trying to define what your actual needs are going to be to carry out your business in a meaningful way and allow you to operate at a profit. And I really think that some additional thought should be given to that - what your actual need is going to be for your proposed operation.

JITCHAKU: Mr. Chairman, I have a question.

CHAIRMAN: Commissioner Jitchaku.

JITCHAKU: Mr. Carvalho, where you have the employee housing and rental, okay, just that portion and not the body shop and proposed storage area, do you know how many acres and how many square feet that area covers now, where the housing is?

S. CARVALHO: No, I don't.

JITCHAKU: Okay, I was just wondering because looking at that area, I'm familiar with the type of operation that you're talking about and basically, you're really going into a heavy-duty type of vehicle repair, I can understand the storage area. So I was just wondering because I know that most of the, okay, your body shop right now, there's no building there, that's just proposed right?

S. CARVALHO: No, there is a building.

JITCHAKU: Oh, there is a building also there. Aside from the housing?

S. CARVALHO: All those facilities -.

JITCHAKU: They're already there.

S. CARVALHO: Already there.

JITCHAKU: Okay, you don't know how much area that covers?

S. CARVALHO: No. So if that whole parcel were leased as one -.

JITCHAKU: Yes, I understand. No, I was just wondering like, you know, like we're looking at maybe 10 acres, but as what's existing now, I was wondering what area it covered; and because of the situation right now in Waimea and Kamuela, there's really no parking for any type of businesses that you're talking about right now. And I can say we have family that's in the business, so I know when it becomes, you have storage, you're going to be doing tow servicing and you need the area; so I was just concerned what the area covers right now.

S. CARVALHO: I don't know. As I say once we have the permit, I was intending to get a survey of the area to make sure that we had what we need, just the area that we said we were going to utilize, because we don't need the whole area, 33 acres. But -.

JITCHAKU: You were just considering 10 acres.

S. CARVALHO: We thought of 10 acres that could be justified for our use. I mean, it may seem large, granted, but after looking at what we intend to do and looking at our present location -.

JITCHAKU: Yes, I can see what you're getting at, and I can see the problems that you're going to run into because you're not only talking about Waimea itself because you probably will be taking Kohala and all the way down there.

S. CARVALHO: Honokaa.

JITCHAKU: And I know Hilo right now has a problem with those doing tow services as far as storage of vehicles because their service station is in one area and they're leasing acreage; and they are still looking for other areas because their sites are too small. Thank you.

CHAIRMAN: Okay, Commissioner Murakami.

MURAKAMI: At present, how many or whose trucks are involved in the repair side?

S. CARVALHO: Okay, right now, we are the major repair facility for the electric company trucks. They are one of our accounts. Now, until Island Dairy moved, we repaired all their vehicles. We do, from time to time, repair on Kona transportation vehicles when they pass through and they break down. We do some bus service; bus service has dropped off recently for one reason or another, but we did do bus service. We have individuals in line to utilize, to hire, if we get into diesel engines on these busses, which is a job market.

MURAKAMI: But let me ask another question. What do you folks see or can you give me some idea as to how often do you have these kind of trucks come in for repair?

S. CARVALHO: Every Saturday. Every Saturday it's the Hawaii Electric Company vehicles. We are responsible for their major service. Any day during the week, they have a breakdown, we are responsible to put them on the road immediately. Because during the week, the electric company needs their trucks. Regular service is done on a weekend. Any vehicle that passes through that needs immediate repair has come into our shop to get temporary repair.

MURAKAMI: And so, what I'm saying is that I can see the immediate need, so why you need 10 acres to park vehicles there?

S. CARVALHO: If we go into it in a more extended area, we're going to need them if they stay overnight. Like now, a lot of this work, we just do temporary repair. If it is at all possible for us to do the major repair to get it down, which is what we would like to get into, and which is our intent, they're going to be there overnight.

MURAKAMI: Give me some idea as to, you know, if you have 2 acres, how many trucks can you park?

S. CARVALHO: Two acres -.

MURAKAMI: I'm talking 2 acres without including the building.

S. CARVALHO: Now we're talking only about trucks now, we're also talking about cars. Remember, we're going to be doing body and fender work at the same time. Right now in our facility we don't take any more cars unless we call for them, except when they come in or the police calls us to go get them, we make a spot for them until we can clear them out. Now, we also have told Parker Ranch that in order to clean up the downtown area, we will provide a service to the community within the Kamuela-Waimea area free to tow a vehicle should any citizen want to get rid of it from his yard; provided it's towable on two wheels, whereby we will be able to dismantle parts that could be utilized and resold for a lot of the people coming in and wanting used parts. And then take the vehicle to the dump, like we do now.

CHAIRMAN: Okay, I think we can continue on this line of questioning for a while. One of the things that I'm going to recommend, Mr. Carvalho, is that possibly that should the public hearing be closed today, that you do meet with the department to determine really what your actual needs are going to be in terms of acreage. Are there any further questions from the Commissioners or the applicant? Yes?

HANLEY: I don't know whether this is a question, Chairman Mielcke, or not; but on page 2 where it says for disassembly of irreparable vehicles for disposal, that's a rather clean-up term. But I think what that's actually saying is that the property is going to be used for a wrecking yard and I was just wondering how much of that total that's contemplated will be used for a wrecking yard and how much for the other endeavors.

S. CARVALHO: Well, we intend to strip the vehicles. We don't intend to get any wrecking yard because as I stated, once we disassemble a vehicle of engine, transmission and things that are resalable, we'll take the vehicle and tow it to the dump. And I assure you, Kamuela, you probably can ask around and see our vehicles, our tow trucks, taking vehicles to the dump on a regular basis.

CHAIRMAN: You're not proposing a junk yard or strip vehicles and piling them up?

S. CARVALHO: No, I don't intend to maintain the hulks. We have a source in Hilo who buys them from us. Recently that's become available.

CHAIRMAN: Commissioner Murakami?

MURAKAMI: At present, the operation that you have, approximately how many acres do you have for the operation?

S. CARVALHO: The building we're in now is situated on about a half acre site.

MURAKAMI: In other words, you're using the full half acre and you still don't have enough?

S. CARVALHO: Oh, yes. In fact, part of it is sitting on Parker Ranch land, they haven't said too much about it yet.

CHAIRMAN: Any further questions of the applicant? Yes, Commissioner Sakamoto?

SAKAMOTO: How many people do you have working for you?

S. CARVALHO: Right now we have ten employees.

PIIANAIA: The staff has a question just for clarification. Mr. Carvalho, what is a wash rack?

S. CARVALHO: Okay, whenever we, before we work on any vehicle, we have to clean it up and after we clean it, all it is is a concrete slab with a couple of concretes sticking up whereby we wash it. It was used to wash the milking cows. And there's a fence around it. We just intend to put the fence down and dry right on it.

MURAKAMI: In other words, what you're saying is that you have something sort of a steam wash.

S. CARVALHO: We have a steam cleaning machine available and in that particular area we initially just want to take the dirt off and after you finish cleaning the vehicle in order to see what the job looks like, you can wash it down, then you check for oil, and things like that.

PIIANAIA: Chairman Mielcke, you mentioned that should the public hearing be closed you'd want Mr. Carvalho to meet with the staff to determine his needs. Because that may be very significant in terms of your decision and it would constitute new information, I would suggest that if you want this done, that you continue the public hearing.

FUKE: Essentially, Mr. Chairman, is that if the public hearing is closed, and when the staff reviews the application, we will be coming forth with a recommendation. The recommendation may be for the approval of the entire applicant's request, it could also constitute a denial, it could also be an approval subject to certain conditions, one of the conditions which could be relating to the size of the operation. Whatever the recommendation that we will provide, as in the past with other situations, would be, you know, especially as it pertains to conditions, discussing the matter with the applicant - if the hearing is closed, information which can be again presented to the Commission would only be on those items which had been raised thus far for clarification purposes only.

MURAKAMI: Mr. Chairman, one is that I don't think, at least if we know, pinpoint this area, what the 10 acres will be used for. I'd like to know what the spaces between all those buildings, too, in order to, you know, whether it can accommodate a certain amount of parking and all this. For this reason, I think we should get more information before we take action.

CHAIRMAN: Your point is well taken. I think, Commissioner Murakami, your point is well taken. I do understand, Sidney, what you're driving at. Is there any Member of the Commission who have questions they'd like to address to the applicant? All right, Mr. Carvalho, this a public hearing. There are no other questions from the Commissioners directly to you, however, there may be someone in the audience who would like to testify either for or against this application and if so, we'd like to ask that you remain so that you can answer any questions that are asked. Thank you.

This is a public hearing. Anyone who would like to testify either for or against this special permit application may do so at this time. Yes, would you state your name into the microphone please.

G. CARVALHO: I'm Gary Carvalho.

CHAIRMAN: Mr. Carvalho, I'll swear you in at this time. Do you swear to tell the truth and nothing but the truth on this matter now before the Planning Commission?

G. CARVALHO: Yes.

CHAIRMAN: Okay. Yes, Mr. Carvalho, go ahead.

G. CARVALHO: Yes, I'd like to say, he's my brother. He's my general manager. I'm Gary, and the reason I had him up here speaking for me is because I'm a mechanic by trade. Well, I've worked to build this company up in Kamuela from nothing. I've waited for the industrial area for seven years now. I've hired veterans and a lot of local boys. One thing I'd like you folks to do is put yourself in my shoes - when you start from scratch, you wait for something, it's a very hard thing. And all we're asking for is a portion of that property so we can get ourselves going. We more or less have to take the whole thing because it's evidently subdivided to 33 acres. Now, I just hope the board will take into consideration because I got a lot of money tied up in this thing and I don't have much time. I'll lose it. That's all I have to say.

CHAIRMAN: Mr. Carvalho, I want to thank you for your testimony and I want to assure you of the concern of the Commission over your application. What we really want to determine before we take positive action in the form of a recommendation to the State Land Use Commission one way or the other is what your needs are going to be so that we can determine how much of this agricultural land you're going to need for your proposed use; and I want you to know that it's not something that the Commission or the Department is going to try to sit on. We do want to have accurate information so that we can make a sound judgement and recommendation to the State Land Use Commission.

G. CARVALHO: Well, one thing is Mr. Frank Costa is giving me sufficient time to hang on for the Commission's decision. He told me, "Well, Gary, you can pay the lease rental until approval of the application, couple of months I'll hang in there and hope this thing will come out." He's willing to hang in there to see if we can get it or not.

CHAIRMAN: I want you to know we're not trying to put you off. The Commission really would -.

G. CARVALHO: No, I realize that, but I just hope that consideration be taken. We asked for the least amount as possible. We're asking for 10 acres out of 33.4 acres. I think we need every bit of those 10 acres.

CHAIRMAN: You do?

G. CARVALHO: Yes, sir. I've been in business a long time and as my brother says we don't intend a wrecking yard. It will take time to fix the cars, but we'll try to get them out. And we want

to keep the work area and the housing area nice and neat, so we don't want to park no cars in that area. The shop area and the housing area, we want to keep it neat for the people living there, clean yards, fence it off and keep it neat.

CHAIRMAN: Okay, thank you, Mr. Caravalho. Does anyone have any questions of Gary Caravalho? All right, today our role is to conduct a public hearing of which it affords the Commission the opportunity to receive information and the staff, from the petitioner, we accept the public testimony, and our action can be either to continue the public hearing or to close the public hearing. What is your pleasure?

SAKAMOTO: Mr. Chairman?

CHAIRMAN: Commissioner Sakamoto.

SAKAMOTO: I move to close the public hearing.

CHAIRMAN: Is there a second to the motion?

JITCHAKU: I second the motion.

CHAIRMAN: It has been moved by Commissioner Sakamoto and seconded by Commissioner Jitchaku that the public hearing be closed. We'll take a roll call vote.

HANLEY: Mr. Chairman?

CHAIRMAN: Commissioner Hanley.

HANLEY: This additional information that Commissioner Murakami has asked for, if the current motion is passed, the additional information cannot be presented, is that correct?

CHAIRMAN: No, I think that we have asked for additional information and we're on record as requesting that information no?

FUKE: On information which was already presented at today's meeting, on which there were responses on one form or another, yes, you can provide comments for clarification purposes. My understanding is that Commissioner Murakami's question related particularly to the location of the buildings and the space in-between the buildings, am I not correct?

MURAKAMI: Yes.

FUKE: Now, none of us, I think, have that information and to have that information, yes, that would constitute new information; but essentially, I would kind of like advise the Commission that if the Commission feels that that information is essential to your decision, then of course, the public hearing should be continued. On the other hand, that information you feel is not directly germane to your decision, then the hearing can be closed and action can be taken subsequently. In all special permits or other things, if the staff is going to recommend favorably on this particular petition, like in other applications, we have made as a standard condition that they must comply with all of the other applicable rules and regulations, which includes the plan approval review process, complies with the State Department of Health regulations, so on and so forth.

HANLEY: Could I ask for one more clarification? Could any adjustment be made in the size or boundaries of the area if the public hearing is closed?

CHAIRMAN: Sidney, I'll refer that question to you.

FUKE: I think that you will recall, if the question of size is of concern, you know, you will recall like you've considered special permits for quarries, now the guy may have requested like 300 some odd acres for a quarry site and when the permit is reviewed and acted upon by the Commission, the Commission would say I would recommend to the Land Use Commission favorable action subject to the conditions that the quarry site be no more than 25 acres of ..., you're so conditioning it. But the concern of the size is with this Commission, then of course, similar kinds of conditions can also be imposed.

CHAIRMAN: All right, there is a motion on the floor. The motion is to close the public hearing. It's made by Commissioner Sakamoto and seconded by Commissioner Jitchaku. Roll call vote?

PIIANAIA: Commissioner Hanley?

HANLEY: Aye.

PIIANAIA: Commissioner Jitchaku?

JITCHAKU: Aye.

PIIANAIA: Commissioner Murakami?

MURAKAMI: No.

PIIANAIA: Commissioner Paris?

PARIS: No.

PIIANAIA: Commissioner Sakamoto?

SAKAMOTO: Aye.

PIIANAIA: Chairman Mielcke?

CHAIRMAN: Aye.

PIIANAIA: Four to two, the motion carries.

CHAIRMAN: Yes, simple majority carries. All right, public hearing has been closed, Mr. Carvalho, and there is a 15-day waiting period before the Commission can take action on your application. Okay? And did you understand what the Director said in terms of the condition?

CARVALHO: Yes.

CHAIRMAN: Okay. Thank you very much. I know you've been here a long time this afternoon and I appreciate your frankness and your direct answers to the Commissioners' questions. They are, of course, very concerned when we get involved in questions of agricultural lands being converted to other uses.

S. CARVALHO: May I say something?

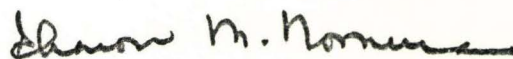
CHAIRMAN: Yes.

S. CARVALHO: All right, we appreciate the Commissioners' concern, okay, and we hope you'll appreciate ours. Anything that has to be done correctly, legitimately, that we do not know of, we would like to be made aware of and I will make every attempt to see that it gets done. I will. Commissioner Murakami wants the distance between the houses, I've made a note and if that is one of the conditions stipulated on the recommendation, I will see that it gets done.

CHAIRMAN: Thank you. We appreciate your attitude on this matter. Thanks very much.

Public hearing adjourned at 5:03 p.m.

Respectfully submitted,



Sharon M. Nomura
Secretary

A T T E S T :

William F. Mielcke
Chairman, Planning Commission

January 13, 1978

Mr. Gary R. Caravalho, President
Gary's Automotive Service
P. O. Box 1030
Kamuela, HI 96743

Dear Mr. Caravalho:

Special Permit Application
Tax Map Key 6-8-01:portion of 8

The Planning Commission at its meeting of January 12, 1978, held a duly advertised public hearing on your application for a special permit to allow the establishment of an auto body repair shop, truck repair and vehicle storage area on approximately ten (10) acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii.

In accordance with the provisions of Section 205-6, Hawaii Revised Statutes, the Commission shall act on such petition not earlier than fifteen (15) days after the said public hearing.

We shall notify you when the Commission is ready to take action on your request.

Sincerely,



William F. Mielcke
Chairman, Planning Commission

smn

cc: State Land Use Commission
Land Use Division, DPED

EXHIBIT

R

JAN 16 1978

January 18, 1978

Mr. Gary R. Caravalho, President
gary's Automotive Service
P. O. Box 1030
Kamuela, HI 96743

Dear Mr. Caravalho:

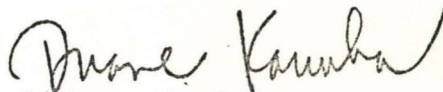
Special Permit Application
Tax Map Key 6-8-01:portion of 8

Your application will again be discussed on January 31, 1978, by the Planning Commission. The meeting will be held at the Civic Center Conference Room, Waimea, South Kohala, Hawaii, and is scheduled to begin at 10:00 a.m.

You will be notified of the Commission's decision.

A copy of the agenda is enclosed for your information.

Sincerely,


for Sidney M. Fuke
Director

smn

Enclosure

EXHIBIT

S
JAN 19 1978

Memo to files

1/26/78

From: Keith

Re: Gary's Automotive Service Inc Special Permit
Storage Area Calculations.

- existing structures: On aerial photo structures
enclosed by a 300' x 300' square = 2.01 ACRES

- 1/26/78 field check —

* Grayline Hawaii: Tour buses 40' x 8'

Parking space for one bus $\approx 500 \text{ ft}^2$

[Lot size 60,000 ft^2]. ten bus $\approx 5,000 \text{ ft}^2$

maneuvering room ≈ 2 times parking

* Baymont Service: Wheeling & auto repair

Parcel area $\approx 48,000 \text{ ft}^2$

structures $\approx 18,000 \text{ ft}^2 \rightarrow$ Storage area $\approx 30,000 \text{ ft}^2$

Owner said 200 cars can be stored in area

no stacking.

- Storage area calculation

Auto $\rightarrow 16' \times 6' \approx 100 \text{ ft}^2$

200 cars $\Rightarrow 20,000 \text{ ft}^2 \rightarrow +50\%$ maneuver (wrecking) $\rightarrow 30,000 \text{ ft}^2$

Large vehicle storage $\rightarrow 15,000 \text{ ft}^2$

Car, bus, truck storage $\rightarrow 45,000 \text{ ft}^2 + \text{leeway} = \underline{\underline{1.5 \text{ AC}}}$

- Interior circulation & leeway $\rightarrow$

0.5 AC

TOTAL AREA REQUIRED $\Rightarrow$

4.0 AC

EXHIBIT

T

SPECIAL PERMIT: GARY CARAVALHO

Gary Caravalho, on behalf of Gary's Automotive Service Inc., is requesting a Special Permit to allow the establishment of an auto body repair shop, truck repair and vehicle storage area on approximately ten (10) acres of land situated within the State Land Use Agriculture District. The property involved is the former site of Island Dairy and is located along the makai side of the Mamalahoa Highway in the vicinity of the entrance road to the Waimea-Kohala Airport, Waikoloa, South Kohala (TMK: 6-08-01:8)

In support of the Special Permit request, the petitioner has, in part, stated the following:

"Although the Land Use Law provides that lands in an agricultural district should be used for intensive cultivation (HRS Section 205-2), the proposed use is justified in that:

- (1) The dairy presently occupying the land is moving to another location for the following reasons:
 - a) Undesirable grazing conditions on the subject parcel for its milking cattle.
 - b) New location is more ideally suited in terms of grazing conditions and size for the dairy operation.
- (2) The dairy is leaving its facilities which applicant proposes to use with little or no modification for its operation.

- (3) There is no land suitably zoned for applicant's use in the Waimea area; the subject parcel is ideally suited for the intended use.
- (4) Only ten (10) acres will be used by applicant for the automotive operation. Three single-family dwellings situated on the subject parcel will be leased to applicant's employees. The remainder of the land will be subleased to certain other parties who will be engaged in agriculturally-related activities.
- (5) The location of applicant's present operation is inadequate. Lack of facility space and lack of vehicle storage area greatly hinders applicant's present operational capability. Applicant's proposed use of a portion of the subject parcel will ideally serve applicant's needs and in serving the community by providing employment opportunities and a local repair facility that can accommodate the growing population."

"Surrounding area is presently utilized for grazing and for farming; applicant will be utilizing existing structures, without any structural modifications. Outside areas will only be used by applicant for storage of vehicles while awaiting repair, and for disassembly of irreparable vehicles for disposal. Furthermore, applicant will only utilize ten (10) acres of the total land of subject parcel for its automotive operation, leaving the remainder available for agriculturally-related activities."

"Additional roads or streets, or modifications to the existing roadway will not be necessary. The existing roadway is sufficiently wide to accommodate cattle and dairy trucks. Use of sewers, water and drainage facilities will not be increased beyond present use. Discarded oil will be collected for recycling, or for use by piggeries. No additional facilities will be required for school facilities. Police and fire protection will not need to be increased; applicant will maintain a program for fire safety and for security, to minimize the incidence of danger from fires or loss from vandalism. Employees will be living in the homes on premises, thereby further reducing the possible incidence of vandalism or widespread fire."

"In the general plan, the area just south of subject parcel is proposed as the industrial area for Waimea. The subject parcel is sufficiently outside of the commercial center or town, and at a sufficient distance from residential areas to not cause any annoyance or inconvenience to residents or to businesses. With the increasing population, there exists a definite need for increased auto repair facilities in the Waimea area. Also, a comparable facility is not available anywhere in the Waimea area; the closest major auto repair facility is in Kailua-Kona. The land the facilities as they exist are ideally suited for the proposed use, until such time that the industrial area actually becomes a reality."

"The proposed use will not substantially alter the essential character of the land....The remaining acreage will be used primarily for agriculturally-related activities. Also, additional trees will

be planted around the periphery of applicant's operation to provide a 'screen' from highway view."

"Because of the present use of the existing structures as a dairy, the highest and best use of the facilities will be made by the applicant, without substantial alteration to the structures, and without increasing the burdens on the land upon which the facilities are situated. Also, applicant is the only concern which will provide a full-service automotive operation in the Waimea area. The public welfare will be well served by the number of jobs provided by the operation, and by the convenience of the availability of such an operation in the area."

The Special Permit is for the use of the entire 33.638-acre parcel. The automotive service activities, however, would be situated on only ten (10) of those acres.

V Presently located on the ten-(10) acre portion of the parcel are six (6) structures which were previously occupied by the Island Dairy. The six (6) structures, including three (3) single-family dwellings, will be utilized by Gary's Automotive Service, Inc. with little or no modification. Other structures would be used as storage for used parts, a wash rack and for body repairs, body painting and truck repairs.

X The General Plan Land Use Pattern Allocation Guide Map designates the area as extensive agriculture. This designation applies to those agricultural lands which are utilized as pasturage and range. The County's zoning designation for this property is Unplanned.

X Surrounding lands are predominantly pasture. Also, in the vicinity are the Lalamilo Farm Lots and Waimea-Kohala Airport.

X Mamalahoa Highway, which fronts the affected portion of the subject parcel, has a right-of-way of eighty (80) feet and a pavement width of approximately eighteen (18) feet.

X All essential utilities, including a six-(6) inch water line, are available to the property.

X The Department of Agriculture has reviewed the subject application and submitted the following comments:

"We understand that the applicant is requesting the special permit for a 33.638-acre parcel; ten acres are planned for automotive service activities which include three existing single-family dwellings to be used for employee housing. The nature of the other agriculturally-related activities proposed for the balance of the parcel, once the special permit is approved, is unclear.

The subject parcel is approximately 2,000 feet from one of the more productive truck crop farming areas on the Island of Hawaii. A more suitable location for the type of activity proposed by the applicant may be in the industrial area proposed at some future date."

The U. S. Department of Agriculture Soil Conservation Service submitted the following comments:

X "The soils in this area are in the Waimea very fine sandy loam series. Based on an on-site investigation, the slope at this site is about 2%. This soil is prime agricultural land if it is irrigated. The water erosion hazard on this soil is slight. When the vegetation is removed, this soil has a moderate to severe wind erosion potential.

I know of no other soil or water related problems in granting this request."

X This soil series is in capability Class III. The Land Study Bureau's overall productivity rating for the area is E, or poor.

X Rainfall is approximately 50 inches annually.

Proposed for the South Kohala District is the construction of a State Highway between Waimea and Kawaihae.

X Although the specific roadway corridor has not yet been determined, the Department of Public Works commented that, "the proposed State Highway may affect this parcel."

X The State Department of Transportation had the following comment, "The subject parcel abuts the State Highways' right-of-way through an easement and any outdoor advertising along the State Highway shall comply with Chapter 264, Part V H.R.S."

X The Fire Department commented that, "Fire protection can be provided by the Waimea Fire Station personnel for this area."

The Department of Health submitted the following comments,
"Working places are the Kuleana of the Department of Labor.
Building plans for mechanical ventilating or air conditioning
systems and sewage disposal systems shall be reviewed and approved
by the Department of Health."

All other cooperating agencies had no comments on or objections
to the subject request.

Read Whitman's letter - 3 Nov. 77

RECOMMENDATION: GARY'S AUTOMOTIVE SERVICE INC.

Upon careful review of the subject request, the staff recommends that the request be given a favorable recommendation based on the following considerations:

That the desired use will not adversely affect surrounding properties. Surrounding lands are presently in airport, diversified agriculture, pasture, and vacant uses. Potential impacts from the requested use are increased noise, increased traffic, and possibly view of cars awaiting service. However, given the relatively isolated location of the subject property, and the imposition of mitigating conditions, it is not expected that such potential impacts will be materially detrimental to surrounding properties. The Lalamilo Farm Lots are situated approximately 2000 feet to the north of the subject property while the Waimea-Kohala Airport is located approximately 1500 feet to the east. These areas will further be buffered by the proposed Waimea By-Pass Highway and the existing Mamalahoa Highway respectively. Given these distances, and the intervening highways, it is not expected that noise from the requested use will be a significant impact. The subject property's access is off the Mamalahoa Highway via an easement. This highway is a major link between the east and west sides of the island and any additional traffic generated from the desired use will be relatively insignificant. Finally, the potential visual impact of

vehicles being stored prior to service can be substantially mitigated by taking advantage of the existing topography and via landscaping.

That the proposed use will not unreasonably burden public agencies to provide roads, sewers, water and drainage facilities, and police and fire protection. None of the cooperating agencies charged with the responsibility of providing these services had any adverse comments on or objections to the subject request.

That unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The proposed use is one that provides a needed service for the Waimea region of the island. This need is evidenced by the existence of the same operation in another location in the area. The subject request arises out of the requirement to physically expand the operation. The proposed use is consistent with the General Plan goals and policies which call for the provision of adequate industrial sites in appropriate locations. The Waimea area is rapidly growing yet current industrial zoning is limited to 6.0 acres, all of which is presently occupied. To accommodate the expansion of industrial activities, the General Plan Land Use Allocation Map designates a future industrial area in the vicinity of the subject site. Further, the proposed use is consistent with the County of Hawaii General Plan standards which state:

"Industrial development shall be located in areas adequately served by transportation, utilities, and other amenities."

"Off-street parking and loading facilities shall be provided."

"Industrial development shall be conveniently located to its labor source."

"Buffer zones shall be established between industrial and adjacent non-compatible uses of land."

Through conditions of approval, the subject request can also be developed to meet the General Plan Standard which states: "Industrial development shall maintain or improve the quality of the existing environment."

Staff further recommends that the Special Permit request be given a favorable recommendation subject to the following conditions:

1. The total area of operation, including the existing structures, storage area and appurtenances, shall not exceed four (4) acres. Of these four (4) acres, the total storage area shall not exceed one and one-half (1-1/2) acres. A map showing these areas shall be submitted to the Planning Director for review and approval. Subsequent to the Planning Director's approval of the proposed areas, a metes

and bounds description of the respective areas shall be submitted to the Planning Director. The corners of the respective areas shall be permanently staked with one-half (1/2) inch steel pipes or equivalent.

2. The storage area shall be adequately screened from views along the Mamalahoa Highway and the proposed Waimea By-Pass Road corridor by the existing topography and/or landscaping.
3. The storage area, parking area(s), and internal vehicular circulation areas shall be provided with an all-weather dust free surface.
4. A landscaping plan shall be submitted to the Planning Director for review and approval.
5. The Plan Approval process shall be complied with. Plans shall be submitted for plan approval within one (1) year of the effective date of the Special Permit.
6. Prior to occupancy all of the above conditions shall be complied with.
7. Vehicles in storage shall not be stacked higher than six (6) feet above the ground.
8. Upon termination of the use, the subject property shall be cleared of all materials not permanently fixed to the ground.

9. That all other rules and regulations shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

SP78-292

Gary's Automotive Service, Inc.

Exhibits W & X

RECORD OF VOTING
PLANNING COMMISSION

County of Hawaii

Date January 31, 1978

Petitioner Gary's Automotive Service, Inc.

 Preliminary hearing Public hearing Request

ACTION: ✓ Approve

 ✓ Action

 Deny

 Defer

 Continue

 Schedule for public hearing

Other: _____

Commissioners	Aye	No	Absent	Abstain
FUJIMOTO, Shigeru	✓			
HANLEY, J. Walsh	✓			
JITCHAKU, Lorraine R. <i>M</i>	✓			
MURAKAMI, Haruo <i>2nd</i>	✓			
PARIS, William J.	✓			
SAKAMOTO, Charles	✓			
MIELCKE, William F. (Chairman)	✓			

EXHIBIT

Y

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
January 31, 1978

The Planning Commission met in regular session at 10:00 a.m. in the Civic Center Conference Room, Waimea, South Kohala, Hawaii, and at 3:00 p.m. in Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
J. Walsh Hanley
Shigeru Fujimoto
Lorraine R. Jitchaku
Haruo Murakami
William J. Paris
Charles H. Sakamoto

ABSENT: Ex-officio Member
Akira Fujimoto

Sidney M. Fuke, Director
Ilima Piianaia, Planner
Keith Kato, Planner

David Murakami, representing Ex-officio Member, Edward Harada
Alan Okamoto, Deputy Corporation Counsel

and about 6 people in attendance at 10:00 a.m. and
about 3 people in attendance at 3:00 p.m.

MINUTES: It was moved by Commissioner Murakami and seconded by Commissioner Paris that the minutes of January 12, 1978, be approved with typographical corrections. Motion was carried.

All those testifying were duly sworn in.

SPECIAL PERMIT
AKESHI HASHIMOTO
NANAWALE HOME-
STEADS, PUNA

Application of Akeshi Hashimoto for a Special Permit to allow the establishment of an anthurium packing and storage building and a garage for vehicle storage on approximately one (1) acre of land situated within the State Land Use Agricultural District. The property involved is located along the Homestead Road which intersects with the Kea'au-Pahoa Road at the Pahoa Post Office, approximately 1,300 feet north of the post office, Nanawale Homesteads, Puna, TMK: 1-5-06:14.

Staff presented recommendation for approval with conditions on file.

Staff reported that the applicant, who was not present, had not been advised of the conditions.

EXHIBIT Z

It was moved by Commissioner Sakamoto and seconded by Commissioner Hanley to send a favorable recommendation to the State Land Use Commission with the conditions as outlined by the staff. A roll call vote was taken and motion carried with seven ayes.

VARIANCE
MITSUO ENOMOTO
WAIAKEA, SOUTH
HILO

Application of Mitsuo Enomoto for a variance to allow the construction of a second dwelling on a 19,326-square foot lot situated within the Single Family Residential - 10,000 square foot (RS-10) zoned district. The property involved is located along the Puna side of Mohouli Street, approximately 600 feet makai of Komohana Street, Waiakea, South Hilo, TMK: 2-4-24:44.

Staff presented denial recommendation on file.

The Chair recommended the application be deferred until there was a full-nine member commission.

The Planning Director reported that at this point in time the staff really is not in a position to recommend that the whole area be rezoned to a 7,500 square foot district and suggested that it be considered in conjunction with the update of the community development plan, which should take place in the latter part of this year.

It was moved by Commissioner Hanley and seconded by Commissioner Jitchaku that the application of Mitsuo Enomoto be deferred until there is a full nine-member commission. A roll call vote was taken and motion carried with six ayes (Commissioners Fujimoto, Hanley, Jitchaku, Paris, Sakamoto and Chairman Mielcke) and one no (Commissioner Murakami).

✓ SPECIAL PERMIT
GARY'S AUTOMOTIVE
SERVICE, INC.
WAIKOLOA, SOUTH
KOHALA

Application of Gary's Automotive Service, Inc., for a Special Permit to allow the establishment of an auto body repair shop, truck repair and vehicle storage area on approximately ten (10) acres of land situated within the State Land Use Agricultural District. The property involved is the former site of Island Dairy, located along the makai side of the Mamalahoa Highway, across from the entrance road to the Waimea-Kohala Airport, Waikoloa, South Kohala, TMK: 6-8-01:portion of 8.

Staff presented recommendation for approval with conditions on file.

Staff clarified Condition No. 1, that the total area of operation would be limited to four (4) acres and of these four acres, storage (long-term and short-term) of vehicles shall be limited to one and one-half (1-1/2) acres.

With regard to Commissioner Hanley's question, the Planning Director responded that the intent behind this condition was to legitimize the maximum of four acres of use, therefore the existing employee housing would be included within the four acres. The Planning Director pointed out that the reason for the stipulation of the maximum of 1-1/2 acres for the storage area is that if proper controls are not exercised the storage area could dominate the repair activities.

In reply to Commissioner Hanley's question, staff explained that the reason for Condition No. 3 was that because the area is subject to high winds, there could be a wind erosion problem. The Planning Director said it will be determined at the time of plan approval whether the storage area, parking area(s), and internal vehicular circulation areas would be oil treated or AC. The staff also explained Condition No. 7, that a vehicle on its own carriage could extend higher than 6 feet but that vehicles couldn't be piled higher than 6 feet.

Staff reported that the conditions have been discussed with the applicant.

The applicant's representative, Sario Caravalho, stated they did not intend to plant huge trees, but 4- to 5-foot seedlings which would grow into taller trees. Staff stated that it would satisfy Condition No. 6.

It was moved by Commissioner Jitchaku and seconded by Commissioner Murakami that the Commission send a favorable recommendation to the State Land Use Commission with the conditions outlined by the staff. A roll call vote was taken and motion carried with seven ayes.

Respectfully submitted,



Sharon M. Nomura
Secretary

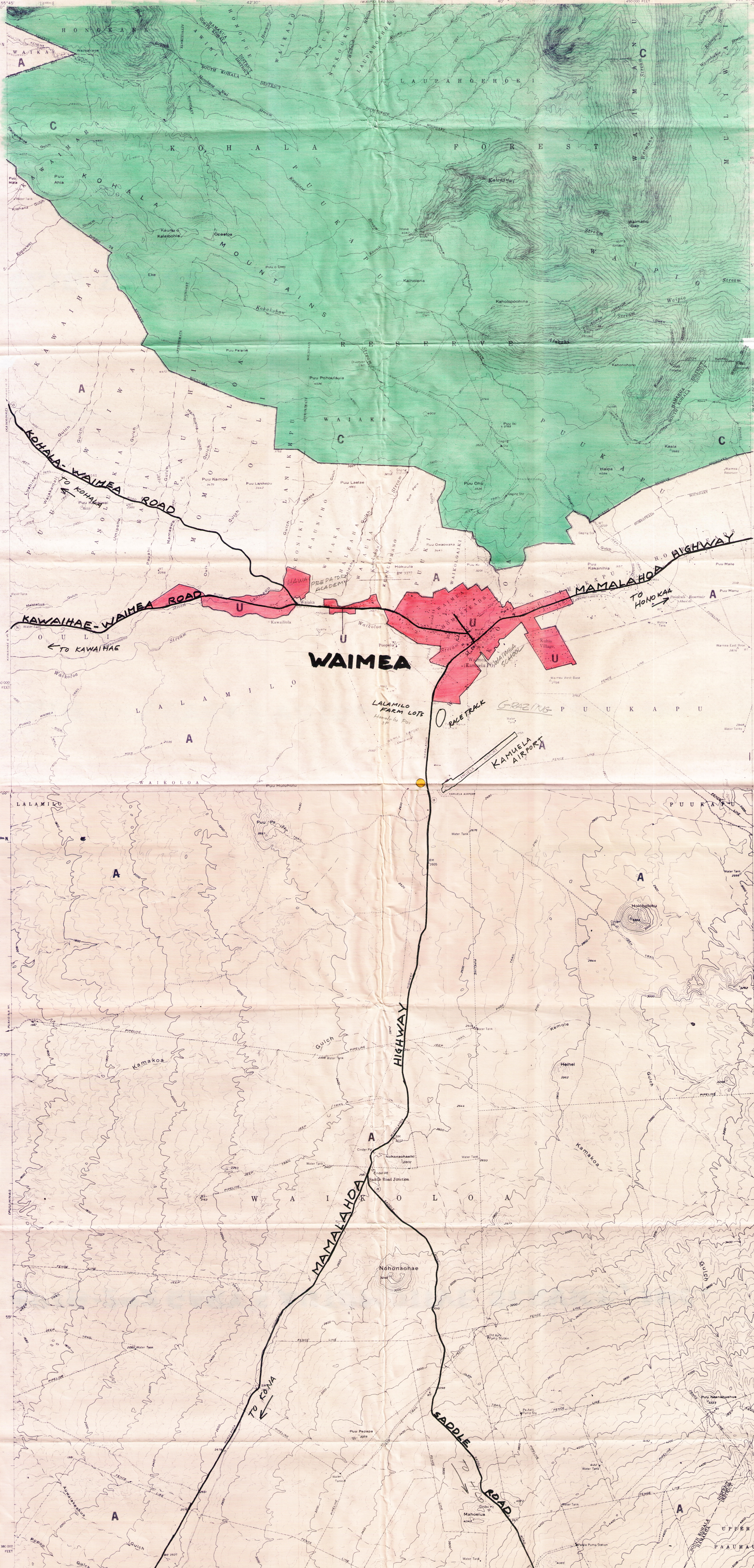
A T T E S T:

William F. Mielcke
Chairman, Planning Commission

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

LAND USE DISTRICT BOUNDARIES		
DISTRICT MAP	STATE OF HAWAII	DISTRICTS
H-25	LAND USE COMMISSION	U = URBAN
	DEPT. OF PLANNING & ECONOMIC DEVELOPMENT	R = RURAL
	EFFECTIVE DATE: DEC 20 1974	A = AGRICULTURAL
		C = CONSERVATION

KAMUELA QUADRANGLE
HAWAII-ISLAND AND COUNTY OF HAWAII
7.5 MINUTE SERIES (TOPOGRAPHIC)
SW 4 WAIPIO 15 QUADRANGLE



SP78 292 GARY'S AUTOMOTIVE SERVICE, INC.

Topography from aerial photographs by multiple methods
Aerial photographs taken 1954. Field check 1956
Control by USGS and USCGS
Polyconic projection. Old Hawaiian datum.
10,000-foot grid based on Hawaiian datum.
1000-meter Universal Transverse Mercator grid ticks,
zone 5, shown in blue

ROAD CLASSIFICATION
Medium-duty _____ Light-duty _____
Unimproved dirt

CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL

QUADRANGLE LOCATION

HAWAIIAN ISLANDS

78-292 GARY'S AUTOMOTIVE

FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER 2, COLORADO OR WASHINGTON 25, D. C.
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

1956