

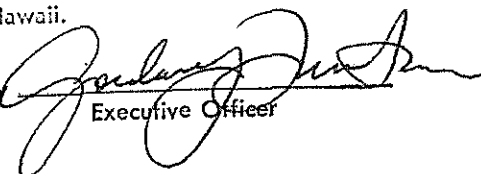
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the)
Petition for Special Permit)
of SUISAN COMPANY, LTD.)
)
)
)

SP78-298
SUISAN COMPANY, LTD.

This is to certify that this is a true and correct copy of the
Decision and Order on file in the office of the State Land Use
Commission, Honolulu, Hawaii.

JUL 17 1979
Date

by 
Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the) SP78-298
Petition for Special Permit)
of SUISAN COMPANY, LTD.) FINDINGS OF FACT,
) CONCLUSIONS OF LAW AND
) DECISION AND ORDER

The Land Use Commission of the State of Hawaii, having duly considered the entire record in the above entitled matter, makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The Petitioner has filed for an amendment to the Special Permit to allow the establishment of a frozen food storage and wholesaling operation and to increase the land area encompassed under the Special Permit by 2.2 acres.

2. The Special Permit was originally granted by the Land Use Commission on May 11, 1978, for the establishment of a fruit processing plant with retail sales facilities on approximately 2.8 acres of land situated within the State Land Use Agricultural District at Panaewa Farm Lots, 2nd Series, Waiakea, South Hilo, Hawaii, Tax Map Key 2-4-49: portions of parcels 21 and 22.

3. The subject property is located along the north-east side of Kealakai Street, approximately 0.60 mile from the Stainback Highway.

4. The original permit specifically provided for the construction of three (3) single story structures to accommodate guava, passion fruit, and papaya processing, freezer/cooler storage and office/retail uses.

5. The revised plans submitted by the Petitioner indicate two (2) buildings instead of the three (3) structures as originally planned. One of the structures is intended to house a 5,000 square foot guava and passion fruit processing area, a 5,000 square foot papaya processing area, and a 6,400 square foot dry storage area. The other building will house a 9,600 square foot freezer area, a 6,400 square foot cooler for raw materials, a 5,000 square foot office area and a 5,000 square foot retail sales area. The additional 2.2 acre area requested will be set aside for future expansion of the fruit processing facility.

6. The subject property is a portion of two (2) adjoining lots comprising approximately 20.48 acres, which the petitioner intends to lease from the State of Hawaii. The remaining acreage of the two (2) parcels will be utilized for the cultivation of lilikoi and guava.

7. The petitioner has submitted a letter dated December 21, 1978, from the Department of Land and Natural Resources acknowledging the proposed lease of the subject parcels to Suisan Co., Ltd.

8. The Petitioner has stated that projected storage requirements for processed fruit products will not be sufficient year round use of the proposed freezer and cold storage facilities due to the highly seasonal nature of the industry. The petitioner has proposed to relocate a portion of its present frozen food storage and wholesaling operation to the subject site in order to meet the financial burden of the investment.

The petitioner has also requested additional acreage for future expansion of the fruit processing plant. The petitioner anticipates that additional space would be needed if the industry continues to grow as projected.

9. The Hawaii County Planning Department has recommended approval of the amendments proposed by the Petitioner.

10. The Hawaii Planning Commission conducted a public hearing on the amendments to the Special Permit on April 12, 1979.

CONCLUSIONS OF LAW

1. The inclusion of a limited frozen food storage and wholesaling operation at the subject property will not be contrary to the uses originally approved under the Special Permit. The use of the proposed facility for the storage and wholesaling of other food products is not intended to be the primary activity. The primary activity of the facility will be the processing and retail sale of fruit products, as granted under the original permit.

2. The provision for expansion of the proposed fruit processing facility will not be inconsistent with the original permit, since this use of the property was established under the original permit.

DECISION AND ORDER

IT IS HEREBY ORDERED that Special Permit Number 78-298 be amended to allow the establishment of a frozen food storage and wholesaling operation and to increase the land area encompassed under the Special Permit by 2.2 acres, and be subject to the following conditions:

1. That the effective date of the Special Permit shall be upon approval of the Board of Land and Natural Resources to lease the subject area, but in no event not more than 3 years from the SLUC's action.

2. That the petitioner or its authorized representative shall submit plans for the initial phase of development (2.8-acre area) to the Planning Department and receive final plan approval within one (1) year from the effective date of approval of the amendments.

3. That construction of the proposed facilities shall commence within one (1) year from the receipt of final plan approval and shall be completed within two (2) years thereafter.

4. That the petitioner/representative shall submit a map and metes and bounds description of the five (5) acre area to the Planning Department prior to the receipt of final plan approval.

5. That all other applicable rules and regulations, including those of the Department of Health, shall be complied with.

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

7. That the frozen food storage and wholesale operations shall be allowed only on a limited basis and shall not become the primary uses of the subject area. Prior to establishing these uses, the petitioner/representative shall inform the Planning Department as to types or categories of frozen foods to be stored, as well as the type of wholesale operation to be conducted on the premises.

8. That within five (5) years from the date of occupancy of the proposed facilities within the initial phase of development (2.8-acre area), construction of other improvements shall commence within the area set aside for future expansion (2.2-acre area).

9. Failure to comply with any of the delineated conditions of approval, particularly those relating to time, shall be reason for termination of the Special Permit.

DATED: Honolulu, Hawaii, July 12, 1979.

LAND USE COMMISSION

By C. W. Duke
C. W. DUKE
Chairman and Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

By Mitsuo Oura
MITSUO OURA
Commissioner

By George R. Pascua
GEORGE R. PASCUA
Commissioner

By Carol B. Whitesell
CAROL B. WHITESELL
Commissioner

By Edward R. Yanai
EDWARD R. YANAI
Commissioner

By William W. L. Yuen
WILLIAM W. L. YUEN
Commissioner

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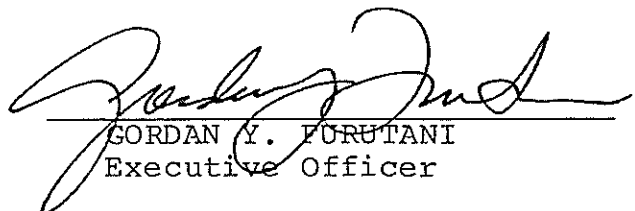
CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use
Commission's Decision and Order was served upon the follow-
ing by certified mail:

SIDNEY FUKU, Planning Director
Hawaii Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

REX Y. MATSUNO, President
Suisan Company Limited
P. O. Box 366
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, this 17th day of July, 1979.


GORDAN Y. FURUTANI
Executive Officer

October 15, 1981

Mr. Rex Y. Matsuno
Suisan Company, Ltd.
P. O. Box 366
Hilo, HI 96720

Dear Mr. Matsuno:

Nullification of Special Permit No. 78-298 (LUC 389)
TMK: 2-4-49:21

The Planning Commission at its regular meeting on October 9, 1981, voted to nullify Special Permit No. 78-298 (LUC 389) as a result of non-compliance with performance time condition. The permit allowed the establishment of a fruit processing plant with retail sales facilities and a frozen food storage and wholesaling operation on approximately 5 acres of land situated within the State Land Use Agricultural District at Panaewa Farm Lots, 2nd Series, Waiakea, South Hilo, Hawaii.

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

Sincerely,



BERT H. NAKANO
Chairman, Planning Commission

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cc: James Detor, DLNR
State Land Use Commission

OCT 16 1981