

January 22, 1979

Mr. Stanley S. Shimizu
P. O. Box 117
Honaunau, HI 96726

Dear Mr. Shimizu:

Special Permit Application
Tax Map Key 8-3-10:portion of 37

The Planning Commission at its regular meeting of January 11, 1979, considered your application for a special permit to allow the establishment of a 50' x 60' freezer/office building on one (1) acre of land situated within the State Land Use Agricultural District at Ke'ei 2nd, South Kona, Hawaii.

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

1. That construction of the proposed facility shall commence within one (1) year from the effective date of approval of the Special Permit and be completed within two (2) years thereafter.
2. That a landscaping buffer which meets with the approval of the Planning Director shall be provided along the side property lines.
3. That all other applicable rules, and regulations, including the Plan Approval Process, shall be complied with.

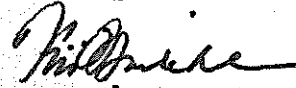
It should be noted that failure to comply with any of the delineated conditions of approval, particularly those relating to time commencement and expiration, shall be reason for termination of the Special Permit, unless an extension is requested prior to the expiration date and approved.

JAN 26 1979

Mr. Stanley S. Shimizu
January 22, 1979
Page 2

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
Kona Service Office

JAN 26 1979

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

Dear Mr. Furutani:

Special Permit Application
Petitioner: Stanley S. Shimizu

In accordance with Chapter 2-5, Section 205-6, Hawaii Revised Statutes, we are transmitting the decision and finds of the County Planning Commission on the above application.

The special permit request was to allow the establishment of a 50' x 60' freezer/office building on one (1) acre of land situated within the State Land Use Agricultural District at Ke'ei 2nd, South Kona, Hawaii, Tax Map Key 8-3-10:portion of 37.

The Planning Commission at a duly advertised public hearing held on December 14, 1978 in the First Hawaiian Bank Meeting Room, Kailua, North Kona, Hawaii, discussed the subject request. The Commission on January 11, 1979 voted to recommend the approval of the Special Permit to the Land Use Commission based on the following findings:

1. That the granting of the proposed use at its particular location would not be contrary to the General Plan Land Use Pattern Allocation Guide Map which designates the area for Medium Density Urban Development. Such a designation may allow commercial and related activities such as the proposed freezer/storage building.

JAN 26 1979

Furthermore, the proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The Land Use Regulations state that lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reasons of topography, soils and other related characteristics may be included in the Agricultural District. According to the Land Study Bureau, the overall master productivity rating of the land for agricultural uses is Class E or Very Poor. Although certain agricultural activities may be conducted within the subject area, it is determined that the requested use for the area under consideration will not be contrary to the Land Use Law and Regulations, given the guidelines set forth for determining the Agricultural District as well as the area's capability classification for agricultural productivity. Furthermore, the granting of the proposed use at its particular location will not have an adverse impact on the overall agricultural activity of the Kona area and the island.

2. That although the proposed use will somewhat alter the essential character of the land, it is determined that such a change will make the highest and best use of the land involved for the welfare of the general public. At the present time, this particular portion of the property is vacant and not used for agricultural purposes. The proposed use will undeniably alter the existing character of the area under consideration; however, the provision of the freezer/storage plant would be beneficial and well-suited to accommodate the present and future needs of the area, as well as of the County. The proposed plant will service not only the fishermen and residents of the Kona area, but also, fishermen from throughout the County. It is intended to overcome various problems confronting the fishermen, namely, loss through spoilage and the lack of a reliable market. Benefits will accrue to the fishermen in terms

of proximity to fishing grounds and market for their fish. In light of such factors, it is determined that the establishment of the proposed use will be a positive benefit and support to the fishing industry. As such, the proposed freezer/storage plant will further the objectives of Land Use Law and Regulations by encouraging and strengthening the existing fishing industry. The granting of this particular request would also complement the Economic goals of the General Plan which state that "The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors," and that "The County shall encourage the expansion of the fishing industry, various forms of agriculture, and other ocean-based activities."

Furthermore, the proposed activity is presently being conducted, on a limited basis, within the petitioner's existing store which is situated only about 300 feet away from the area under consideration. The existing building and land area of the property on which it is presently situated on, however, is too small to accommodate the increase in demand. The present building which is partitioned off as a fish market and a general store is only about 2,600 square feet in size (fish market - 600 square feet; general store - 2,000 square feet). The existing property is also too small to accommodate any expansion as it is a triangular-shaped lot which is only 10,000+ square feet in size. In light of these circumstances, the petitioner has decided to construct the proposed building on the area under consideration.

3. That the proposed use will not adversely affect surrounding properties. The sixty (60) feet by fifty (50) feet freezer/storage building will be situated on a one (1) acre area. According to the site plan submitted along with the application, the building will be constructed fifty (50) feet from the front property line and forty (40) feet from the side property lines. Although there is a single family dwelling on the adjacent property to the north of the proposed building, there will be a distance of over fifty (50) feet between both structures. Furthermore, according to the petitioner, the refrigeration unit which will be insulated to cut out sound, will

Mr. Gordan Furutani
Page 4

be within the south side of the proposed building. As a result, there will be a distance of over 100 feet between the adjacent dwelling and the refrigeration unit area. There is also another dwelling on a property situated towards the southwest of the area under consideration. The proposed building, however, will be over 200 feet from the closest property line of that lot. The property adjacent and to the south of the area in question is in coffee production and is vacant of any structures.

4. That all essential utilities and facilities are or will be made available for the development of the area for the proposed use. As such, the establishment of the proposed freezer/storage plant will not unreasonably burden public agencies to provide roads and other similar infrastructures.

The favorable recommendation was also subject to the following conditions:

1. That construction of the proposed facility shall commence within one (1) year from the effective date of approval of the Special Permit and be completed within two (2) years thereafter.
2. That a landscaping buffer which meets with the approval of the Planning Director shall be provided along the side property lines.
3. That all other applicable rules and regulations, including the Plan Approval Process, shall be complied with.

It should be noted that failure to comply with any of the delineated conditions of approval, particularly those relating to time commencement and expiration, shall be reason for termination of the Special Permit, unless an extension is requested prior to the expiration date and approved.

Enclosed are copies of the Exhibits from the subject docket.

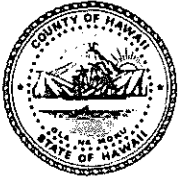
Sincerely,



WILLIAM F. MIELCKE
Chairman, Planning Commission

Enclosures

cc: Mr. Stanley Shimizu
Land Use Division, DPED
Kona Service Office



Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

LORRAINE R. INOUE
Mayor

CERTIFIED MAIL

May 6, 1991

Mr. Dennis Mattos
P. O. Box 1386
Kealahou, HI 96750

Dear Mr. Mattos:

Amendment to Special Permit No. 408, As Amended
Applicant: Dennis J. Mattos dba Kona Coffee Factory
Request: Offsite coffee processing and
retail coffee store/gift shop
Tax Map Key: 8-3-10:37

The Planning Commission at its duly held public hearing on April 25, 1991, voted to approve your request to amend Special Permit No. 408, as amended, which allowed the retail sales of fish and other seafood products and smokehouse operation on one acre of land situated within the State Land Use Agricultural District. The amendment involves the termination of the fish/seafood sales operation and requests the establishment of an off-site coffee processing facility, retail coffee store and gift shop on two acres of land. The project site is located along the makai side of the Mamalahoa Highway, approximately 300 feet north of Stan's Fishing Store in Ke'ei 2nd, South Kona, Hawaii.

Approval of this request is based on the following:

Approval of the amendment request to terminate the fish/seafood sales operation will not be contrary to the objectives to be accomplished by the State Land Use Law and Regulations. The former applicant, due to its inability to establish the proposed use as represented to and approved by the Planning Commission, would similarly be unable to comply with the conditions of approval of Special Permit No. 408. Therefore, to amend the Special Permit as requested would allow the present applicant, should his request for a off-site coffee processing facility, retail coffee store and gift shop be approved, the opportunity to utilize the property to its highest potential.

MAY - 6 1991

Mr. Dennis Mattos
May 6, 1991
Page 2

With regards to the present applicant's proposal to establish an off-site coffee processing facility, retail coffee store and gift shop, the proposed use will promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law Rules and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii.

In the case of the Agricultural district, the intent of the State Land Use Law Rules and Regulations is to preserve or keep lands of high agricultural potential in agricultural use. The land on which the proposed development is located is classified as "E" or "Very Poor" by the Land Study Bureau for agricultural productivity and "Unclassified" by the ALISH Map. The applicant proposes the conversion of an existing freezer/storage and office structure to accommodate the proposed use; therefore, the subject request would not require that additional land be taken out of potential agricultural use and would not further deplete the agricultural resources within the South Kona District or the County. The purpose of this request is to allow for an off-site coffee processing facility and retail establishments to support local coffee growers by providing for new opportunities to produce and promote locally produced agricultural and manufactured products. By processing and retailing only pure Kona coffee, the proposed facility will assist in the promotion of Kona coffee and, to some degree, other agricultural industries on the island. Such support facilities will help coffee producers to keep agricultural lands in use and encourage further development of agricultural resources. The retail sale of coffee-related items and general, locally manufactured products at the proposed gift store would supplement the coffee processing and retail coffee sales operations as well as encourage and promote locally produced products. The proposed retail activities will not be of such a scale as to be inappropriate in the Agricultural District, but will be able to directly benefit the community or region by promoting other local products. To assure that the retail area is limited, a condition restricting the retail commercial gross floor area is being recommended. Thus, the proposed use would promote the objectives of the State Land Use Law Rules and Regulations by helping to preserve, protect, and encourage the development of agricultural lands.

Mr. Dennis Mattos
May 6, 1991
Page 3

Processing of agricultural products produced on the premises is a permitted use within the State Land Use Agricultural District and the County Agricultural zoned districts. Although the applicant intends to plant the remainder of the subject property in coffee, the applicant, as previously mentioned, proposes to process coffee grown off-site. This, in addition to the retail sale of Kona coffee, coffee-related items and general, locally manufactured products, requires that a special permit be secured. The requested use will complement the underlying district designation and is not such a large scale intrusion that would make it inappropriate for placement within the Agricultural district.

The proposed use will not have any significant adverse effects on the surrounding properties. The subject property has been a host to several approved commercial activities over the course of 10 years. Previous approved activities included freezer storage, seafood retail market, ice storage, smokehouse and office uses. Surrounding land uses in the immediate area include agricultural, single family residential and commercial uses. Processing of the coffee beans will be limited to the roasting and packaging of the product. The smell of roasting coffee will be the only byproduct of processing. Pulping of the coffee bean, where most of the offensive odors and waste products occur, will not be conducted at this facility. No increase in the intensity of visual, odor or noise impacts are expected beyond what had been experienced by previous activities conducted on the property.

The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Consulted agencies had no objection to the request. Water is available to the property.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The coffee industry in the South Kona District has been revitalized and there is new emphasis in the growing and processing of coffee. Along with the increasing production has been the introduction of additional outlets for the coffee farmers, providing them with new marketing options. These options appear to have spurred renewed interest among coffee growers.

Mr. Dennis Mattos
May 6, 1991
Page 4

The request is not contrary to the General Plan. The proposed use would complement the LUPAG map Orchard designation. The proposed use is consistent with the following General Plan goals, policies, and standards:

Economic:

- * The County shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.

Agricultural:

- * The County shall ensure that development of important agricultural land shall be primarily for commercial agricultural use purposes.

Industrial:

- * It shall be the policy of the County to achieve a broader diversification of local industries by providing opportunities for new industries and strengthening existing industries.
- * Industrial activities may be located close to raw materials or key resources.

South Kona:

- * The County shall assist the further development of agriculture by protecting important agricultural land from urbanization, by providing necessary resources, such as water, and through other assistance.

Based on the above considerations, it is determined that the establishment of an off-site coffee processing facility, retail coffee store and gift shop is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law Rules and Regulations.

Mr. Dennis Mattos
May 6, 1991
Page 5

Approval of this request is subject to the following replacement of conditions (material deleted is bracketed and material added is underscored):

1. The petitioner, its successors or assigns, shall be responsible for complying with all conditions of approval.
2. Plans for the proposed improvements shall be submitted for "Plan Approval" review within one year from the effective date of approval of the Special Permit.
3. Construction of the proposed improvements shall commence within one year from the effective date of Final Plan Approval and be completed within two years thereafter.
4. All other applicable rules, regulations, and requirements shall be complied with.
5. Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the Special Permit shall be void.]

1. The applicant, its successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
2. Final Plan Approval of the proposed off-site coffee processing facility and retail coffee store/gift shop shall be secured from the Planning Department within one year from the effective date of this amendment. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures, landscaping, paved driveway and parking area associated with the facility. A 10-foot wide no vehicular planting screen easement, exclusive of permitted access(es), shall be denoted on the plans for plan approval review and building permit.
3. Building permit(s) for the conversion of the structure to allow a change of occupancy, if applicable, shall be

secured within one year from the date of receipt of Final Plan Approval and shall be completed (Certificate of Occupancy) within one year thereafter.

4. The proposed retail coffee store and gift shop shall be limited to 1,450 square feet of gross floor area.
5. The hours of operation for the retail coffee store and gift shop shall be from 8:00 a.m. to 5:00 p.m., 7 days a week. The coffee roasting activity shall be limited to the hours of 8:00 a.m. to noon, Monday through Friday.
6. No access shall be allowed from the Middle Keei Road.
7. The applicant shall comply with all other applicable laws, rules, regulations and requirements, including those of the Departments of Health and Public Works.
8. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development; to what extent the conditions of approval are being complied with; an account of the applicant's best efforts to minimize odor impacts to surrounding properties; and a detailed listing of complaints and their disposition. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
9. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors, or assigns and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the

Mr. Dennis Mattos
May 6, 1991
Page 7

conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,

Mike Luce

Mike Luce, Pro Tem Chairman
Planning Commission

6295d
jdk

xc: Department of Public Works
Department of Water Supply
Department of Health
County Real Property Tax Division
West Hawaii Office
State Land Use Commission

Ecc: Plan Approval Section

August 10, 1993

Mr. Dennis J. Mattos
P. O. Box 1386
Kealahou, HI 96750

Dear Mr. Mattos:

Special Permit No. 408 ✓
Applicant: Dennis J. Mattos dba Kona Coffee Factory
Final Plan Approval No. 1506
Off-site Coffee Processing and Retail Coffee Store/Gift Shop
Tax Map Key: 8-3-10: 37

We are in receipt of your letter dated June 11, 1993, in response to our previous letter to you dated May 5, 1993, regarding the above-referenced permit. Please accept our apologies for our delay in responding to your letter.

We have reviewed your plans previously submitted and have found these plans to be acceptable. We hereby grant Final Plan Approval for the proposed off-site coffee processing facility and retail coffee store/gift shop **in compliance with Condition No. 2** of Special Permit No. 408. As required by Condition No. 3, a building permit(s) for the conversion of the existing structure to allow a change in occupancy, if required, must be secured on or before **August 9, 1993**. In addition, all requirements as specified within the Final Plan Approval sheet must be complied with prior to commencing operations.


Given your compliance with the requirements of Condition No. 2, your previous request for an extension of time in which to secure Final Plan Approval is no longer necessary. Therefore, we are withdrawing your request from its active status with our office and returning to you your money order for the filing fee.

AUG 11 1993

Mr. Dennis J. Mattos
Page 2
August 10, 1993

Once again, we apologize for our delay in responding to your submittals. Should you have any questions, please contact Daryn Arai or Susan Gagorik of this office at 961-8288.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

DSA:mjh
LMatto04.dsa

Attachment (money order)

cc w/ltr & PA sheet: West Hawaii Office
: Plan Approval Section