

CERTIFIED MAIL

October 3, 1984

Mr. Jeffrey Citron
Captain Cook Coffee Company, Inc.
P. O. Box 818
Capt. Cook, HI 96704

Dear Mr. Citron:

Special Permit Application (SP 84-13)
TMK: 8-3-03:19

The Planning Commission at its duly held public hearing on September 26, 1984, voted to approve your application, Special Permit No. 84-13, Kahauloa 2nd, South Kona, Hawaii.

Approval of this request is based on the following:

The proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of these statutory provisions 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 in Hawaii. In the case of the Agricultural District, the intent is to preserve lands of high agricultural potential for agricultural use. The purpose of the subject request is to allow the use of an existing building for receiving, weighing and storage of coffee, including an office. The facility will service coffee farmers in the area by providing a secure means for the farmers to drop off their coffee, where the coffee will be weighed, stored and secured instead of being left alongside the road, thus inviting pilferage. Therefore, while the establishment of the facility will preclude a small portion of the entire 2.4-acre lot from coffee production, it still will directly benefit the farmers in the area and the industry as a whole. Such support for the industry will provide greater incentives for coffee production; thus helping to keep good agricultural lands in agricultural use and thereby fostering its preservation.

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On the Island of Hawaii the objectives of the State Land Use Law are translated into the goals, policies, and standards contained within the General Plan. Approval of the subject request would complement the General Plan's Orchard designation of the property in the same way that it complements the State Land Use Agricultural designation.

Approval of the subject request would also complement the General Plan Economic goal which states, "The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors."

Further, the proposal is directly related to an agricultural activity, namely coffee farming. Within the State Land Use and County Agricultural zoned districts, the storing of agricultural products is a permitted use provided that the products are grown on the premises. In spite of the fact that most of the coffee will come from off-site farms, the use of the Special Permit procedure is appropriate in view of the direct relationship between the requested use and the uses permitted within the Agricultural District. It is apparent that the requested use will complement and not be detrimental to the underlying district designation, and that it is not such a large scale intrusion that would make it inappropriate for placement within the State Land Use Agricultural district.

Based on the above consideration, it is concluded that the approval of the subject request will not be contrary to the purpose and intent of the Land Use Law and Regulations but rather would promote the effectiveness and objectives of that law.

The proposed use shall not adversely affect surrounding properties. The subject property is surrounded by land in coffee production. Other properties in the vicinity are also utilized for coffee pulping operations as well as other phases of coffee processing.

The approval of the subject request will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and police and fire protection. All essential utilities and services are already available to the subject property. It should be noted that none of the cooperating agencies had any objections to the subject request.

Based on the foregoing, it is determined that the subject request is an unusual and reasonable use which is not contrary

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to the objectives sought to be accomplished by the Land Use Law and Regulations.

Approval of this Special Permit request is subject to the following conditions:

- a. The petitioner, its successors or assigns, shall be responsible for complying with all conditions of approval.
- b. A detailed and dimensioned plan of the area surrounding the proposed office showing provisions for a minimum of 2 employee parking stalls, a loading and unloading area, and a protective device along the perimeter of the filled area shall be submitted for Plan Approval within one year from the effective date of the Special Permit.
- c. The proposed use shall be established within one year from the date of receipt of Final Plan Approval.
- d. Secure a permit from the State Department of Transportation, Highways Division, for a driveway access from the State Highway.
- e. All other applicable rules, regulations, and requirements shall be complied with.
- f. Should the Planning Director 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.

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

Sincerely,



Roy Kagawa
Chairman, Planning Commission

cc: Dept. of Public Works
Dept. of Water Supply
Real Property Tax Div.
Kona Services Office

bcc: Plan Approval Section

CERTIFIED MAIL

June 4, 1986

Mr. Jeffrey Citron
Capt. Cook Coffee Company, Ltd.
P. O. Box 818
Capt. Cook, HI 96704

Dear Mr. Citron:

Amendment to Special Permit No. 556 (84-13)
Tax Map Key: 8-3-03:19

The Planning Commission at its duly held public hearing on May 28, 1986, voted to approve your request for an amendment to Special Permit No. 556 which allowed the use of an existing building for receiving, weighing, and storage of coffee and an office on 2.4 acres of land situated within the State Land Use Agricultural District. The amendment is to allow the establishment of a retail outlet for coffee and coffee-related products within the existing building at Kahauloa 2nd, South Kona, Hawaii.

Approval of this request is based on the following:

The proposed retail outlet will be the installation of a small counter and shelf space within the existing building. The area being allotted for this retail activity will encompass approximately 96 square feet of the existing building. Therefore, the proposed size and scale of this retail activity should not create any additional adverse impact to the area, district or region with the placement of this activity in this zone district. Since the proposed location is a primary support facility for the coffee industry, the minor retail outlet addition should assist in the promotion, in a limited sense, for the coffee industry. Such types of support when viewed as a whole, can only lead to provide greater incentives for the coffee industry.

Further, in a limited sense, the proposal is directly related to an agricultural activity, namely coffee farming. As such, the limited sale of coffee and coffee-related products at

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this site would be compatible with the existing drop-off station activity for the farmers. Additionally, of all the agencies which reviewed the request, none had any adverse comments or objections to the proposed request.

Based on the foregoing findings, it is determined that the subject request be approved. It should be further noted that all of the conditions attached to Special Permit No. 556 shall remain in effect.

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

Sincerely,

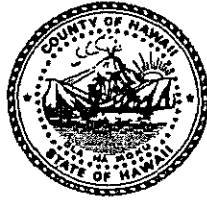


Barbara A. Koi
Chairperson, Planning Commission

cc: State Land Use Commission
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Hawaii County Services, Deputy Managing Director's Office

bcc: Plan Approval Section

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

February 12, 2001

Mr. Jim Kerver
The Coffee Shack, Ltd.
P.O. Box 510
Captain Cook, HI 96739

Dear Mr. Kerver:

Special Permit No. 556

Applicant: The Coffee Shack, Ltd.

Approved Use: Espresso Bar, Ice Coffee Drinks, Food Preparation, Retail Outlet for Coffee & Coffee-related Products, and the Receiving, Weighing, and Storage of Coffee
TMK: 8-3-03: 19; Kahauloa 2nd, South Kona, Hawaii

Thank you for your letter dated January 11, 2001, requesting a determination by this office that the above-cited Special Permit will allow the proposed relocation of the existing dining area and an increase in the kitchen and storage areas. The existing retail area will not be expanded.

Special Permit No. 556, as amended, was issued by the Planning Commission on August 24, 1994, to allow food preparation and a retail outlet for coffee/coffee related products on the subject property. Your current request is to relocate the existing dining area and to expand upon the kitchen and storage areas. The overall use of the existing complex will not change from its existing restaurant/retail operations.

Based on our review of Special Permit No. 556 and its approved uses and conditions of approval, we find that the proposed dining room relocation and the expansion of the kitchen and storage areas will be consistent with the original reasons for the granting of Special Permit No. 556. Conditions of approval contained within Special Permit No. 556 do not prohibit or restrict the food preparation and retail operations to a specific floor area. Therefore, this department does not have any objections to the proposed relocation and expansion of food preparation and service areas within the existing structure.

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Mr. Jim Kerver
The Coffee Shack, Ltd.
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February 12, 2001

Final Plan Approval of the proposed improvements will not be required. The preliminary plans submitted with your letter reflect that the gross dining floor area will not increase as a result of the relocated dining area. However, please consult with the Department of Public Works-Building Division regarding the possible need for a building permit.

The applicant is still responsible for complying with all conditions of approval of Special Permit No. 556, as detailed within the Planning Commission's letter dated September 9, 1994. This letter will supersede our previous letter to Mr. Jeffrey Citron dated October 10, 2000, which addressed the proposed expansion of the dining area.

Please feel free to contact Daryn Arai of our West Hawaii Office should you have any questions.

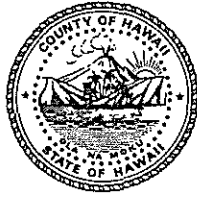
Sincerely,



CHRISTOPHER J. YUEN
Planning Director

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c w/ltr: West Hawaii Office



Stephen K. Yamashiro
Mayor

County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL

SEP 9 1994

Mr. Jeffrey M. Citron, Vice President
The Coffee Shack, Ltd.
PO Box 510
Captain Cook, HI 96704

Dear Mr. Citron:

Special Permit No. 556
Applicant: The Coffee Shack, Ltd. (84-13)
Request: Amend Special Permit No. 556 to allow an Espresso
Bar, Ice Coffee Drinks and the Preparation of Food
Tax Map Key: 8-3-3:19

The Planning Commission at its duly held public hearing on August 24, 1994, voted to approve the above-referenced amendment to Special Perit No. 556, to allow an Espresso Bar, Ice Coffee drinks and the preparation of food on approximately 2.42 acres of land within the State Land Use Agricultural District. Special Permit No. 556 was issued to allow the receiving, weighing and storage of coffee as well as to allow a retail outlet for coffee and other related products. The project site is located on the makai side of Mamalahoa Highway approximately 2 miles south of the Napoopoo Junction, Kahauloa 2nd, South Kona, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended: The primary use of this parcel will remain agricultural. Approximately 1.75 acres of this 2.42 acre parcel are planted in coffee, and coffee production on the property will continue. The approved uses of receiving, weighing, and storing coffee; roasting and processing coffee; and selling coffee and coffee products will continue. The Espresso bar will feature coffee beverages prepared with 100% Kona coffee, and the food bar will supplement the beverage service. The food menu will be limited to pizza and deli items, and the primary focus will be on

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SEP 9 1994

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promoting Kona coffee and coffee related products. The proposed use will compliment the existing retail business, by providing additional income to support the production and processing of coffee at the site.

The desired use will not adversely affect surrounding properties: The addition of an Espresso and food bar to the existing retail outlet should not have any appreciable affect on the surrounding properties. Traffic generated by the new use should not be substantially greater than the existing traffic flow to the site. The applicant contends that while the retail business formerly serviced tour buses, this is no longer the case. Therefore, the traffic volume at the site has been reduced by approximately 50%. The new use will not occupy any additional land area and will be housed entirely within the existing structure. The primary use of the property will remain agricultural, and the business will continue to support local coffee growers. The applicant claims that fruits and vegetables sold at the food bar will also be purchased from local farmers.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage, and police and fire protection: Mamalahoa Highway is a paved, State-maintained highway. The applicant will be required to comply with all conditions imposed on the use of the State right-of-way for parking purposes. The applicant will also be required to provide street lighting during all non-daylight hours of operation. The proposed Espresso and food bar must meet the requirements of the Food Service and Food Establishment Sanitation Code established by the Department of Health. The wastewater disposal system for the proposed food service business must meet the requirements of the Department of Health.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district: Coffee production on this property will continue. The proposed new use will not impact any additional land, and will not interfere with the processing of coffee at the site. The Espresso bar will feature locally grown Kona coffee, and will presumably encourage visitors to purchase coffee and coffee products. In this way, the new use will help support the local farm economy.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established: The Espresso bar will promote a vital Big Island industry, Kona coffee, without detracting from the rural character of the South Kona district. Visitors will have the opportunity to sample Kona coffee beverages and enjoy a light meal or snack, at the site where the coffee is actually processed and roasted. The

proposed use will complement surrounding agricultural uses, by providing an outlet for the sale of locally grown coffee and produce.

The proposed use will not substantially alter or change the essential character of the land and the present use: By approving the establishment of a retail outlet in 1986, the Planning Commission permitted the development of this site as a visitor attraction. The installation of the Hawai'i Visitor's Bureau sign just north of the structure emphasized this use of the site. Visitors already stop at this site to purchase coffee and enjoy the view of Kealahou Bay. Permitting the applicant to sell light food and beverages will not substantially change the existing use of the site. The addition of an Espresso and food bar should not interfere with the agricultural use of this parcel or surrounding parcels.

The request will not be contrary to the General Plan: The Agriculture Element of the General Plan specifies the following course of action for the South Kona district: "The County shall protect important agricultural lands within the Kona Coffee Belt." The applicant's proposal will support the South Kona coffee industry, while not taking any additional land away from coffee production. The Resort Element of the General Plan states that "developments shall blend in with the character of the area." The proposed Espresso and food bar will be located within an existing coffee processing, storage, and retail facility. The new use will help to promote the locally grown coffee which is processed at the site.

Approval of this request is subject to the following conditions:

1. The applicant, successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant, successors, or assigns shall indemnify and hold the County of Hawai'i harmless from and against any loss, liability, claim, or demand for the property damage, personal injury, or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors, or agents under this permit or relating to or connected with the granting of this permit.
3. The applicant, successors, or assigns shall secure Final Plan Approval from the Planning Department, as specified in Section 25-242 of the Zoning Code, within one year from the effective date of this Special Permit. Plans should

indicate structures, landscaping, exterior signs, street lights and the paved parking area.

4. The applicant, successors, or assigns shall secure a Certificate of Occupancy for the proposed food service establishment within one year from the receipt of Final Plan Approval.
5. The applicant shall secure the necessary Food Service and Food Establishment Permits from the Department of Health prior to the issuance of a Certificate of Occupancy for the proposed facility.
6. The wastewater disposal system for the proposed facility shall meet with the requirements of the Department of Health prior to the issuance of a Certificate of Occupancy.
7. Access to and paved parking for the facility shall meet with the approval of the Department of Transportation prior to the issuance of a Certificate of Occupancy. The applicant shall comply with all Department of Transportation conditions for use of the State right-of-way for parking. Street lights which meet with the approval of the Department of Transportation shall be installed prior to the issuance of a Certificate of Occupancy, and shall be utilized during all non-daylight hours of operation.
8. The applicant shall continue to comply with all conditions of approval of Special Permit No. 556 and conditions of approval of the subsequent amendments to Special Permit No. 556.
9. The applicant, successors, or assigns shall comply with all other applicable County, State, and Federal regulations.
10. An extension of time for the performance of conditions may be granted by the Planning Director only when a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successor, 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 original reasons for granting of the permit; c) granting of the time extension would not be contrary to the General Plan or Zoning Code; and d) the time extension granted does not 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). If any of the conditions are not met or substantially complied with in a


Mr. Jeffrey M. Citron, Vice President
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timely fashion after the Planning Director has given the permittee notice, this permit may be voided by the Planning Commission.

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.

Should you have any questions, please feel free to contact Rodney Nakano or Linda Copeman of the Planning Department at 961-8288.

Sincerely,



Wilton Wong, Vice Chairman
Planning Commission

RKN:jdk
LCoffe01.PC

xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Corporation Counsel
Department of Health
Department of Transportation
Department of Public Works
Department of Water Supply
County Real Property Tax Division-Kona
West Hawaii Office
State Land Use Commission
Plan Approval Section