

CERTIFIED MAIL

July 9, 1985

Mrs. Teresa Waipa
21 Alani Street
Hilo, HI 96720

Dear Mrs. Waipa:

Special Permit Application (85-17)
TMK: 2-4-47:Portion 17 (Lot 5)

The Planning Commission at its duly held public hearing on July 2, 1985, voted to approve your application, Special Permit No. 598, to allow the establishment of a food catering kitchen for preparation of traditional Hawaiian foods and to cater luaus within a proposed addition to an existing single family dwelling situated on 1 acre of land within the State Land Use Agricultural District at Waiakea, South Hilo, 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. The area under consideration is classified as Agricultural by the State Land Use Commission. Approximately half of the subject property is classified "Prime" and the rest not classified according to the Agricultural Lands of Importance to the State of Hawaii (ALISH) system. Besides the existing single family dwelling, the property is presently utilized for raising livestock and other produce for family use. Since the proposed food catering kitchen will involve the conversion of an existing room attached to the dwelling, the granting of this request will not reduce or impede the current agricultural use of the land. It is therefore determined that approval of the subject request would not be contrary to the objectives of the State Land Use Law and Regulations.

JUL 09 1985

Mrs. Teresa Waipa
Page 2
July 9, 1985

It should be further noted that approval of the subject request will not have any adverse impact on the future agricultural potential of the subject property or the surrounding area. The proposed food catering kitchen will be utilized for preparing traditional Hawaiian foods and to cater luaus. This business will provide a market for agricultural products raised on the premises as well as by other neighboring small scale farmers. As such, from a policy analysis standpoint, it is determined that approval of the subject request would not be inconsistent with the General Plan.

The proposed use will not adversely affect the surrounding properties and their improvements. As stated previously, the proposed use will involve the conversion of an existing room attached to the single family dwelling. The nature and scale of the proposed food catering kitchen will be compatible with the County's Zoning Code definition of a "home occupation." Therefore, the primary uses on the subject property will remain residential and agricultural in character and the impacts resulting therefrom are anticipated to remain the same.

The proposed use will not unreasonably burden public agencies to provide roads, water and other similar infrastructure or services. All necessary infrastructure and services are already available to the subject property.

Based on the foregoing, it is determined that the subject request is an unusual and reasonable use which is not contrary 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. The proposed use shall be restricted to family members and individuals residing in the single family dwelling on the property.
- c. Plans for the proposed use shall be submitted for Plan Approval within one year from the effective date of the Special Permit.
- d. The proposed use shall be in operation within one year from the date of receipt of Final Plan Approval.

Mrs. Teresa Waipa
Page 3
July 9, 1985

- e. There shall be no visible sign or display on the premises advertising the food catering kitchen.
- f. The use shall be restricted to a "home occupation" as defined under Section 25-4, Division 1, Article 1 of Chapter 25 (Zoning Code), Hawaii County Code 1983, as amended.
- g. All other applicable rules, regulations, and requirements shall be complied with.
- h. 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,

Barbara Koi

Barbara Koi, Vice Chairman
Planning Commission

cc: State Land Use Commission
Department of Public Works
Department of Water Supply
County Real Property Tax Division

bcc: Plan Approval Section