

CERTIFIED MAIL

September 30, 1985

Mr. Sidney Fuke
Planning Consultant
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

Special Permit Application (85-25)
Applicant: Raymond Kawamata
Tax Map Key: 6-4-18:35

The Planning Commission at its duly held public hearing on September 26, 1985, voted to approve the application, Special Permit No. 604, to allow the retail sale of pre-packaged non-alcoholic and alcoholic beverages with the flowers packed for shipment on 2.39 acres of land situated within the State Land Use Agricultural District at Puukapu Homesteads, 2nd Series, South Kohala, 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. While the property is classified as "Prime" by the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system, the proposed packaging use within the existing packing/storage shed will not restrict the land from being used for agricultural purposes. The subject property is currently being utilized as a rose nursery and the pre-packing activity will not change the ongoing agricultural use.

It should be further noted that approval of the subject request will not have any adverse impact on the future

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agricultural potential of the subject property or the surrounding area. No structural changes or additions are needed to accommodate the proposed use. All of the packaging will be done within the packing shed, where the roses are packed. The agricultural operation of the rose farm will not change as a result of this proposed use. Thus, 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 be situated within the existing packing/storage building. No direct retail sales will be conducted on the premises except by telephone and delivery of the pre-packaged products shall be made via this process. Therefore, the nature and scale of the proposed use will maintain the agricultural character of the area 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. Again, since there will be no retailing activity on the premises, the limited nature of the proposed use will not require any additional demands or expansion to those services and facilities already available to the subject property.

Based on the foregoing, it is determined that the proposed sale of packaged liquor and other beverages with roses grown on the premises is an unusual and reasonable use of the land within the State Land Use Agricultural District. As such, it is further determined that the approval of the request would still promote the effectiveness and objectives of Chapter 205, HRS, as amended.

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. Plans for the establishment of the sale of packaged liquor and other beverages with roses grown on the premises shall be submitted to the Planning Department for "Plan Approval" within one year from the effective date of approval of the Special Permit.
- c. Establishment of the approved use shall commence within one year from the receipt of Final "Plan Approval."

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- d. There shall be no signage on the premises advertising the retailing business.
- e. All retail business shall be conducted only by mail or by telephone with a delivery service of the pre-packaged products.
- f. All other applicable rules, regulations, and requirements shall be complied with.

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,



Arthur W. Martin, Chairman Pro Tem
Planning Commission

cc: Raymond Kawamata
State Land Use Commission
Department of Public Works
Department of Water Supply
County Real Property Tax Division
County of Hawaii, Kona Office

bcc: Plan Approval Section