

CERTIFIED MAIL

October 21, 1988

Mr. Richard Ishida
Goodsill Anderson Quinn
P. O. Box 2639
Kailua-Kona, HI 96745

Dear Mr. Ishida:

Special Permit Application (87-7)
Applicant: Shojin Natural Foods
Tax Map Key 7-9-11:25

The Planning Commission at its duly held public hearing on October 18, 1988, voted to approve your application, Special Permit No. 684, to allow the establishment of a wholesale warehouse facility in a new 9,000-square foot warehouse building on 1 acre of land situated at Honuaino 4th, North 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 purpose of the Land Use Law and Regulations is to protect, preserve, and encourage the development of lands in the State of Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District not only includes lands with a high capacity or potential for agricultural uses, but also lands which are contiguous to agricultural activities by reason of topography, soils, and other related characteristics. The State Department of Agriculture's ALISH map does not classify the soils in this area. While the Land Study Bureau's agricultural productivity rating is Class "B," the property has long been used for non-agricultural purposes. The property has been used as a commercial warehouse, storage area, and distribution area since the mid-1950's. Furthermore, in 1984, the Planning Department determined that the existing uses on the property, including the establishment of the applicant's wholesale food distribution business, were permitted non-conforming uses. Therefore, the

OCT 21 1988

Mr. Richard Ishida
October 21, 1988
Page 2

uses on the property were already determined to be permitted as recently as 1984. The applicant is not asking to introduce a new use on the property. It is merely trying to improve the present operations on the property by constructing a new building.

The proposed expansion should have no major effect upon agricultural use of the land in that the non-agricultural use on a portion of the property has been continuing since at least the 1940's and the proposed use will not interfere with the agricultural use on the surrounding land. The parcels of land across the subject premises mauka of the highway are now being used for commercial purposes and, accordingly, the proposed use should not produce an adverse effect. Further, the area between the commercial area of Kainaliu and Kealahou, a distance of approximately one mile, is dotted with commercial uses along the highway. Therefore, the proposed use should compliment the current scheme of uses in the area. While Chapter 205 of the Hawaii Revised Statutes appears to attempt to retain agricultural lands to such uses, said chapter recognizes situations where it is most beneficial and feasible to authorize uses on parcels other than what it has been designated. The subject parcel is such an example.

Based on the above, it is determined that approval of this particular request would not be contrary to the objectives of the State Land Use Law.

The proposed use will not adversely affect the surrounding properties and their improvements. As indicated earlier, similar non-agricultural uses have been established in the immediate area. The property is of sufficient size to enable adequate setback and buffers to be established. Furthermore, these concerns relative to bulk, size, architecture, function and placement of the proposed building can be addressed through the "Plan Approval" process established in the Zoning Code, thereby mitigating impacts which may be generated from the proposed project.

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

Unusual conditions, trends and needs have arisen since the establishment of the district boundaries and regulations. The

Mr. Richard Ishida
October 21, 1988
Page 3

area between Kainaliu and Kealahou along the highway has been dotted with commercial activity for some time. It appears that such activity will not decrease in light of the anticipated potential growth in West Hawaii. Because of the anticipated growth, more efficient use of existing parcels should be encouraged. The subject parcel falls within this category and will be consistent with meeting the expected needs of the district.

Based on the foregoing, it is determined that the establishment or expansion of the existing wholesale warehouse facility is an unusual and reasonable use of the land within the State Land Use Agricultural District. As such, it is further determined that approval of the subject request would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

Approval of this request is subject to the following conditions:

1. The applicant, its successors, or assigns shall be responsible for complying with all conditions of approval.
2. Plans for the new wholesale warehouse facility, including parking and a detailed landscaping plan, shall be submitted for plan approval review within one year from the effective date of the Special Permit. Parking shall comply with the requirements of Chapter 25 (Zoning Code), Hawaii County Code, as amended. No parking variance from the code shall be applied for or granted. Landscaping along the adjoining property lines shall be provided for adequate noise and visual buffers.
3. Construction shall commence within one year from the date of receipt of final plan approval and be completed within two years thereafter.
4. Driveway access to the property shall meet with the approval of the Department of Public Works.
5. A drainage system shall be installed meeting with the approval of the Department of Public Works.
6. All other applicable laws, rules, regulations and requirement shall be complied with.
7. An annual progress report shall submitted to the Planning Director prior to the anniversary date of the approval of

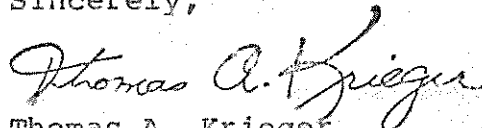
Mr. Richard Ishida
October 21, 1988
Page 4

the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.

8. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, 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 conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

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

Sincerely,



Thomas A. Krieger
Chairman, Planning Commission

xc: Shojin Natural Foods
Alice Schulaner
Mabel K. Suzuki, 944 Ala Wilkni St, Hana, HI 96818
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
State Land Use Commission

bcc: Plan Approval Section