

Planning Commission

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

LARRY S. TANIMOTO
Mayor

CERTIFIED MAIL

October 10, 1990

Nikki Anne Ferrari, President
Hawaiian Mountain Gold Coffee Company
P.O. Box 390486
Kailua-Kona, HI 96739

Dear Ms. Ferrari:

Special Permit Application
Tax Map Key: 7-5-12:29

The Planning Commission at its duly held public hearing on September 27, 1990, voted to approve your application, Special Permit No. 752, to allow the establishment of an office for a coffee and macadamia nut business within an existing building situated on 2.5 acres of land within the State Land Use Agricultural District at Puua, North 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, Hawaii Revised Statutes, as amended. The State Land Use Law 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. The subject property is classified "C" or Fair by the Land Study Bureau for agricultural productivity. Most of the property is planted in coffee and macadamia nut trees and will remain in cultivation. The applicant proposes to use an existing structure as a business office for wholesale distribution of products grown on the subject property as well as agricultural products grown on other properties. The proposed use is directly related to agricultural activity on the property and in the region and is consistent with permitted uses in the Agricultural District.

OCT 10 1990

Nikki Anne Ferrari
October 10, 1990
Page 2

The desired use will not adversely affect the surrounding properties. The request is for office use only. Business will be conducted by mail and telephone. No retail sales will be conducted on the property. The office will not be a pick-up and delivery site. The anticipated impact will be no greater than that of a single family dwelling.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. The office use with two employees is not expected to significantly contribute to traffic load on Mamalahoa highway. Concerns have been raised that inadequate parking may contribute to obstruction of traffic on Mamalahoa Highway. Parking along the highway right-of-way as shown on the proposed site plan will not be permitted. However, the property is large enough to allow the applicant to devise an alternate parking plan. Plan Approval review by the Planning Director will ensure that adequate parking with back-up space is provided prior to establishment of use. All other necessary services are available to the property, provided that no additional water service is required. The proposed office use is not anticipated to require additional water service.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The coffee industry in the Kona area has been revitalized and there is a need for services for the small coffee grower.

The use will not substantially alter or change the essential character of the land and the present use. The existing non-conforming structure was in use as a general store for many years. The business office use within the structure will have significantly less impact than the prior store use. The use will not displace agricultural activity or affect the agricultural character of the land.

The request is consistent with the goal of the Land Use Element of the General Plan, which states: "Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural, and physical environments of the County." It is also determined that the establishment of the proposed use on an improved parcel of land would support agricultural activity in the area.

Nikki Anne Ferrari
October 10, 1990
Page 3

Based on the above considerations, it is determined that a business office for a wholesale coffee and macadamia nut distributor 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.

Approval of this request is subject to the following conditions:

1. The applicant, its successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. 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, and paved parking stalls associated with the business office. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted. Parking for all functions shall be maintained on the subject property.
3. No retail sales shall take place on the subject property.
4. Construction of improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
5. Comply with all other laws, rules, regulations, and requirements of State and County agencies.
6. 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 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 with and the Planning Director acknowledges that further reports are not required.

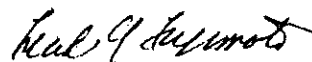
Nikki Anne Ferrari
October 10, 1990
Page 4

7. 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 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,



Fred Y. Fujimoto
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
State Land Use Commission

bcc: Plan Approval Section