

# Planning Commission

Larry S. Tanimoto  
Mayor

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

CERTIFIED MAIL

June 25, 1990

Ms. Miyo Harumi  
1651 Ainaola Drive  
Hilo, Hawaii 96720

Dear Ms. Harumi:

Special Permit Application<sup>(90-11)</sup>  
Tax Map Key: 2-4-07:91

The Planning Commission at its duly held public hearing on June 14, 1990, voted to approve your application, Special Permit No. 737, to allow the construction of an ice cream manufacturing facility at Waiakea Homesteads, South Hilo, 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. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agriculture use. The State Department of Agriculture's ALISH Map classifies the property as "Prime Agricultural Land". Furthermore, the Land Study Bureau's Overall Master Productivity Rating systems classifies the soils as "C" or Fair. The proposed facility will only require interior modifications to an existing structure and will not require that additional land be taken out of potential agricultural use to accommodate the proposed facility. The applicant intends to maintain the remainder of the structure and parcel for potential agricultural uses. Therefore, the conversion of a portion of the structure into an ice cream manufacturing facility is not expected to affect the potential agricultural use of the property or neighboring properties. The proposed use will be in conjunction with single family residential use, which is a permitted use within the district.

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The desired use will not adversely affect the surrounding properties. With the exception of one parcel, surrounding parcels adjacent to the subject property are vacant. A single family dwelling is presently being constructed on an adjacent property and is located approximately 400 feet away from the proposed facility. The siting of the facility within an existing structure which is located in the center of the property will ensure that the rural character of the area is not affected. The operation will be limited to the hours of 8:00 a.m. to 3:00 p.m. no more than two days a week with no more than three employees operating the facility. No retail sales will take place on the property nor will any signs be erected to advertise the proposed activity. Due to the limited nature of the proposed use, it is not anticipated that this request will result in a significant increase in noise, odors, visual impact, or traffic.

The proposed use is not anticipated to unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police, and fire protection. The approval recommendation is based on a condition that limits employees to those persons living in the existing single family dwelling. The applicant anticipates about 10 delivery trips per two-week period, utilizing her own personal vehicle. Therefore, the limited nature of the proposed use will not require any additional demands or expansion to those services and facilities already available to the property. All basic services are available to the property and consulted agencies have no objection to the proposed use.

The proposed use will not substantially alter or change the essential rural character of the land and the present use. As mentioned earlier, the applicant intends to manufacture the ice cream within an existing structure originally constructed for use as a grain storage facility. The maintenance of the remainder of the property in pasture will complement the rural character of the parcel and the community as a whole. No other improvements shall be required by the applicant that will substantially alter the character of the land provided that the manufacturing activity is limited to those persons living in the existing single family dwelling. Approval of this request contains conditions restricting the hours of operation, number of employees, signage and gross floor area of the proposed facility.

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The request is not contrary to the goals, standards and policies of the General Plan. Approval of this request supports a goal of the Economic Element of the General Plan which states that the County shall "Provide residents with opportunities to improve their quality of life." The General Plan also recommends that "The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment." The proposed use complements the goals stated above while also conforming to a goal of the Land Use Element to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County."

Based on the above considerations, it is determined that the establishment of an ice cream manufacturing operation within an existing structure 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 Rules and Regulations.

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.
3. Construction of the ice cream manufacturing facility and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within one year thereafter.
4. The ice cream manufacturing operation shall be limited to the hours of 8:00 a.m. to 3:00 p.m. no more than two days a week.
5. The ice cream manufacturing use shall be restricted to a total of no more than three employees.
6. The ice cream manufacturing facility shall not exceed 350 square feet of gross floor area.

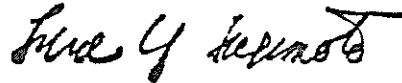
7. No retail sales shall be conducted on the property and there shall be no visible signs or displays on the premises advertising the business.
8. Comply with applicable laws, rules, regulations, and requirements including those of the Department of Health.
9. An annual progress report shall be submitted 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.
10. 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.

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

Sincerely,



Fred Y. Fujimoto  
Chairman, Planning Commission

xc: R. Ben Tsukazaki  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
Department of Health

bcc: /Plan Approval Section