



Planning Commission

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

LORRAINE R. INOUE
Mayor

CERTIFIED MAIL

April 1, 1991

Ms. Matilda Tompson
Learning At Home
P. O. Box 270
Honaunau, HI 96726

Dear Ms. Tompson:

Special Permit Application
Tax Map Key: 8-4-04:13

The Planning Commission at its duly held public hearing on March 14, 1991, voted to approve your application, Special Permit No. 771, to allow the establishment of a mail order business, including an office, warehouse and related improvements on 0.14 acre of land situated within the State Land Use Agricultural District. The property is the site of the Old Honaunau Post Office, along the east (mauka) side of Mamalahoa Highway, Honaunau, South Kona, Hawaii.

Approval of this request is based on the following:

The granting of the 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 Agricultural District includes areas which are not used for, or which are not suited to, agricultural and ancillary activities by reason of topography, soils, and other related activities. The subject property is a 6,360-square foot lot that has been entirely developed with a main structure, two storage buildings, and a gravel parking area. The main structure was the original Honaunau Post Office. The structure was later used for coffee processing. No additional improvements are proposed. The

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nature and scale of the development would not be incompatible with the permitted uses in the Agricultural District. Continued use of the structure will not affect the agricultural productivity of the property or of the region.

The proposed use will not adversely affect surrounding properties. As previously mentioned, the subject property was formerly used as a post office and for coffee processing. The property has been used for a variety of unauthorized commercial activities in recent years. However, no complaints have been received about the commercial use of the property. The applicants intend to conduct a mail-order business within an existing structure. No significant improvements are proposed. The business will not involve visits by the public. Thus, it is not anticipated that noise or traffic generated by the proposed use will negatively impact surrounding properties. A condition of this approval requires that no retail sales occur on the property and that no visible signs be erected to advertise the business.

The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. The Department of Transportation (DOT)-Highways Division has no objection to the request. DOT has stated that it is willing to waive a requirement that encroaching buildings be removed from the highway right-of-way. Access to the property must be approved by DOT. All necessary services are available to the property. Other consulted agencies had no objection to the request.

The proposed use will not substantially alter or change the essential character of the land and the present use. The structure on the property is listed on the State Inventory of Historic Buildings. The applicants do not intend to significantly alter the building in order to conduct their business. Approval of the request will facilitate the use and maintenance of a historic building which may otherwise fall into disrepair.

The request will be consistent with the goal of the Land Use Element of the General Plan to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.

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Based on the above considerations, it is determined that the proposed mail order business 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 and Regulations.

Approval of this request is subject to the following conditions:

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
2. Final Plan Approval for the mail order business shall be secured from the Planning Department within one year from the effective date of the 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 and parking stalls associated with the proposed use.
3. Construction of any improvements required by Final Plan Approval and other conditions of this permit (i.e. access) shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within one year thereafter.
4. Access to the property shall meet with the approval of the Department of Transportation-Highways Division.
5. No retail sales shall take place on the subject property.
6. Comply with all other applicable laws, rules, regulations and requirements.
7. An annual progress report shall be submitted to the Planning Director prior to the anniversary date 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.
8. An initial 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

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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) the 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: Mr. Robert Regli (Kona Kai Farms)
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Department of Transportation-Highways Division
West Hawaii Office

bcc: Plan Approval Section