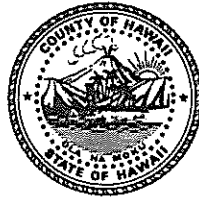


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL  
Z 095 323 822

JUN 24 1997

Mr. Walter Kunitake  
76-5861A Mamalahoa Highway  
Holualoa, HI 96725

Dear Mr. Kunitake:

Special Permit Application (SPP 97-3)  
Applicant: Walter Kunitake  
Request: Establish Retail Store and Coffee Shop  
Tax Map Key: 7-8-7:68

The Planning Commission at its duly held public hearing on June 12, 1997, voted to approve the above-referenced application. Special Permit No. 968 is hereby issued to establish a retail store and coffee shop within an existing building situated on approximately 1.284 acres of land within the State Land Use Agricultural District. The property is located between Kuakini Highway and Mamalahoa Highway approximately 340 feet north of its intersection with Ha'awina Street, across and makai of the former Fuku-Bonsai Center at Keauhou 1st, North Kona, Hawaii.

Approval of this request is based on the following:

Such use is not contrary to the objectives sought to be accomplished by the land use law and regulations. 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 agricultural use. The proposed project will be located within an area whose soils are classified as "E" of "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and unclassified by the Department of Agriculture's ALISH Map.

In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district.

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The subject property is situated within the County's Agricultural-1 acre (A-1a) zone district. The proposed retail store and coffee shop operation would be situated on 1.284 acres of land which had been used as an office building for former quarry operations. The proposed 1.284 acres of land that will be taken out of the agricultural inventory for this area will not significantly affect the agricultural resource of the area, as the proposed use will be confined to an area which was used as an office building since 1979 and no additional surrounding lands are to be developed. In addition, no active agricultural lands will be taken out of production to provide the area necessary to establish the proposed use.

Therefore, based on the above circumstances, approval of the subject request would not be contrary to the objectives of the State Land Use Law Rules and Regulations given the subject conditions. The proposed use would not displace agricultural activity nor diminish the agricultural potential of the area since this parcel has not been in agricultural use in years. Therefore, the proposed use would not be contrary to the objectives of the State Land Use Law for the Agricultural district.

The desired use will not adversely affect the surrounding properties. The subject property has been used as an office building, approved by Special Permit No. 403 since November 2, 1978, in conjunction with the former quarrying operations. The site is located between Kuakini Highway and Mamalahoa Highway approximately 340 feet north of its intersection with Ha'awina Street, across and makai of the former Fuku-Bonsai Center at Keauhou. The facility is naturally screened from Kuakini Highway. To the north is the Department of Water Supply baseyard; to the west is the former Yamaguchi Bus Maintenance yard; and to the east is the Kahaluu Farm Lots Subdivision. The proposed retail store and coffee shop will be located 38 feet from the property's frontage on the old Mamalahoa Highway. The property is of sufficient size to allow for adequate setbacks and buffers in minimizing any physical, social or other impacts that this proposed use may have on the area.

The desired use will not unreasonably burden public agencies to provide roads, streets, sewers, water and drainage improvements and police and fire protection. The site is currently served by water, telephone and electrical utilities. There would be an increase in traffic from the proposed retail store and coffee shop, but would not increase to a significant amount which would adversely impact Mamalahoa Highway. In addition, the proposed use has not generated concerns for additional services as reflected by the agencies' responses. All requirements of the Department of Health, Department of Water Supply, Department of Public Works and Fire Department shall be complied with prior to establishment of the proposed use.

The land upon which the proposed use is sought is not unsuitable for the uses permitted within the district. The soils within the project area are not suitable for many types of agriculture uses. The nature of the request is to allow for the establishment of a retail store and coffee shop. The only village commercial zoned properties are in Kailua and Kainaliu. The Soil Survey Report classifies soils within the project site as Punaluu Series. This soil consists of well-drained, thin, organic soils over pahoehoe bedrock. The surface layer is very rapidly permeable while the pahoehoe bedrock is very slowly permeable, although water moves rapidly through cracks. Runoff is slow and the erosion hazard is slight. The Soil Conservation Services's Soil Capability Rating for these soils is Class VII or soils having very severe

limitations that make them unsuited to cultivation and restrict their use largely to pasture, range woodland or wildlife. The Land Study Bureau's Detailed Land Classification System indicate the soils within the subject property are classified as "E" or "Very Poor." The subject area is central to the North and South Kona areas which it will serve.

The use will not substantially alter or change the essential character of the land and the present use. The proposed use will not alter the character of the land. The applicant intends to utilize the existing facilities for the retail store and coffee shop. The applicant's proposed use of the existing office building will be 864 square feet for customer use and 646 square feet for office, storage, certified kitchen and restrooms. Any future structures shall be conditioned to be approved by the Planning Director through the Plan Approval process. This condition of approval will help ensure that the structural, visual and public safety concerns will be mitigated to the best extent possible.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The rapid tourist growth experienced in East and West Hawaii have resulted in an increase desire for Kona coffee products. To meet this demand, the applicant is seeking to establish a retail outlet for Kona coffee by selling not only hand-picked, machine-graded, but also hand-graded, 100% Kona coffee. The proposed use will support the agricultural industry. Therefore, no existing or proposed areas for agricultural activities will be curtailed or diminished as a result of the establishment of this activity on the subject property. As such, other undeveloped areas are still available for agricultural development and the removal of 1.248 acres of land from the agricultural inventory will not have a detrimental impact on the agricultural resources of the area or the County of Hawaii.

The request is not contrary to the General Plan. The subject request is not contrary to the General Plan LUPAG Map, which designates the property for Orchard uses. However, the soil classification rating for the subject area is "E" or "Very Poor" by the Soil Conservation Service Soil Survey Report. The request would also support the General Plan's goals and policies of the Economic and Land Use Elements of the General Plan which is to "Designate and allocate lands in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and to "...encourage the development and maintenance of the communities meeting the needs of its residents in balance with the physical and social environment."

Based on the above considerations, the proposed retail store and coffee shop use 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. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate the revocation of the Special Permit.

1. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.

2. The applicant, its successors or assigns shall be responsible for complying with all requirements of Chapter 205, Hawaii Revised Statutes, relating to permissible uses within the State Land Use Agricultural District.
3. The retail store and coffee shop use shall be established within five (5) years from the effective date of this permit. Prior to the establishment of this use, Final Plan Approval shall be secured from the Planning Director. Plans shall identify existing structures, paved (asphaltic-concrete, concrete or chip-seal) parking areas and driveway and landscaping to mitigate any visual or noise impacts. The applicant, its successors or assigns shall notify the Planning Department in writing of the completion of required improvements prior to the establishment of the proposed use.
4. The hours of operation for the proposed use shall be limited from 7:00 a.m. to 6:00 p.m. daily.
5. Access(es) to the subject property shall meet with the requirements of the Department of Public Works and Planning Department.
6. The applicant, its successors or assigns shall comply with all other laws, rules, regulations and requirements, including those of the Department of Health, Department of Water Supply, Fire Department and the Department of Public Works.
7. Upon compliance with all conditions of approval and prior to the start of the operation, the applicant shall provide in writing, a final status report to the Planning Director.
8. If the applicant, its successors or assigns fail to comply with the conditions of approval or is unable to resolve any public complaint(s), the Planning Director shall investigate and, if necessary, enforce the appropriate conditions. The Planning Director may, as part of any enforcement action, refer the matter to the Planning Commission for review. Upon appropriate findings by the Planning Commission, that the applicant has failed to comply with the conditions of approval or has caused an unreasonable adverse impact on surrounding properties, the permit may be suspended or revoked.
9. 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 have been foreseen or are beyond the control of the applicants, 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.

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- 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).

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.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman  
Planning Commission

AK:syw

LKunit03.PC

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
State Land Use Commission  
Ms. Marla Anderson  
Kazu Hayashida, Director/DOT-Highways, Honolulu