



County of Hawai'i

WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
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MAR 03 2011

Thomas and Victoria Robeson
Pearl Bakery
P.O. Box 1227
Volcano, HI 96785

Dear Mr. and Mrs. Robeson:

Special Permit Application (SPP 10-000111)

Applicant: Pearl's Bakery

Request: Establish Commercial Kitchen, Bakery, Café and Retail Sales Within
Existing 2,000 SF Agricultural Processing Warehouse & Related Activities

Tax Map Key: 1-8-004:portion of 023

The Windward Planning Commission at its duly held public hearing on February 3, 2011, voted to approve the above referenced application to allow the establishment of a commercial kitchen, bakery, café and retail sales within an existing 2,000-square foot agricultural processing warehouse and related improvements on approximately 32,670 square feet of land situated on a 50.779-acre parcel situated within the State Land Use Agricultural District, against the recommendation of the Planning Director. The property is located approximately 6,000 feet southwest of the town of Mountain View along the southeast side of Highway 11 (Volcano Highway) near its intersection with Peck Road, portion of 'Ōla'a Reservation Lots, Puna, Hawai'i, TMK: 1-8-004: portion of 023.

The applicant is requesting a Special Permit to establish a commercial kitchen, bakery, café and retail sales. The area proposed for the special permit area is approximately 32,670 square feet in size and encompasses the driveway from Volcano Highway, the existing agricultural processing building (including 800-square foot commercial kitchen), parking area and a lawn area with several picnic tables for customers to eat their baked goods and sandwiches. The applicant proposes to conduct retail sales of bakery and other goods produced in the commercial kitchen, including sandwiches, desserts, non-alcoholic drinks, honey, jams/jellies and lunch-related snacks.

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The commercial kitchen will also be made available to others in the area who have asked for the opportunity to process local agricultural products such as jams/jellies, honey, coffee and fish. The applicant has agreements with J. Hara Store in Kurtistown and Hirano Store in Glenwood to provide locally-produced breads and pastries to their customers. The applicant proposes hours of operation for the commercial kitchen from 4:30 a.m. to 5:00 p.m., Monday through Saturday, with occasional evening use to accommodate special orders and use by others. However, based on testimony provided at the hearing by a neighboring landowner, the Commission does not want the commercial kitchen to begin operating until 6:00 a.m., rather than 4:30 a.m. Retail activities will occur between 7:00 a.m. and 4:00 p.m., Monday through Saturday. The applicant estimates a light increase in traffic due to the proposed uses, specifically 2 to 10 cars per day related to the commercial kitchen use and 30 to 50 cars per day related to retail sales. The facility will employ one to three people. Parking will be provided on-site for all employees, customers and commercial kitchen users.

The Planning Commission, after hearing testimony from the applicant and several members of public, voted to approve the Special Permit request subject to conditions and based upon the following reasons:

The Puna Community Development Plan (CDP) does not address the needs of the residents in this particular area of Puna with regards to a future commercial center. Based on testimony provided at the hearing, there are a number of families and people that need the types of services that will be provided by the applicant and they should not have to travel to Hilo to get these services. The Commission believes that due to the size and population of the geographic area surrounding Mountain View, the agricultural subdivisions within the District are underserved by having only one commercial center located in Mountain View as designated in the Puna CDP.

The Puna CDP does not address the issuance of special permits for non-agricultural uses on lands situated within the State Land Use Agricultural district. However, State Law allows the issuance of special permits for land uses that are unusual and reasonable. The Windward Planning Commission finds that the establishment of the proposed uses on the subject property is considered unusual and reasonable because the proposed uses will directly support the existing agricultural activity on the property and provide a venue for farmers in the area to process their raw agricultural products. The applicant will grow herbs and vegetables in the greenhouses on the property and use these raw products in the breads and other products sold at the bakery/café. Additionally, the commercial kitchen will be utilized by the applicants and area farmers to process and package raw agricultural products into market-ready items such as jams and jellies. The Commission finds that the proposed uses enhance and encourage the use of agricultural lands for agricultural purposes.

The proposed uses will mainly occur within an existing agricultural processing building that has been partially converted to a commercial kitchen. Outside activities that may affect surrounding property owners include vehicles coming and going in and out of the parking lot and patrons of the bakery/café eating the goods they purchase at picnic table on the grassy lawn area surrounding the agricultural processing building. The neighboring property owner located to the west of the subject property provided testimony requesting that the hours of operation for the proposed uses be limited in order to provide quiet time at night and in the early morning. Based on this testimony and with the agreement of the applicant, the Commission included a permit condition limiting the hours of operation so that the activities do not occur before 6:00 a.m. With implementation of this condition and standard landscaping requirements, the proposed uses are not expected to create adverse impacts to the surrounding properties.

Based on the above, the approval of the request to allow the establishment of a commercial kitchen, bakery, café and retail sales within an existing 2,000-square foot agricultural processing warehouse and related improvements on approximately 32,670 square feet of land shall be subject to the following conditions

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
2. Within six (6) months from the effective date of this permit the applicant shall submit anticipated maximum daily water usage calculations prepared by a licensed engineer to the Department of Water Supply. The applicant shall limit County water usage for the proposed uses to an average of 400 gallons per day, unless an additional or larger water meter can be installed. The applicant shall promptly install any improvements (such as a water catchment tank) recommended by the Fire Department to provide adequate fire protection for the proposed uses.
3. Within six (6) months from the effective date of this permit the applicant shall secure Final Plan Approval from the Planning Director in accordance with the Zoning Code. Plans shall identify all existing and proposed structures, signage, fire protection measures, parking areas, driveway and other improvements associated with the proposed use. Pavement of parking spaces is not required; any material may be used that will eliminate erosion, mud and standing water. Landscaping along the front and side yard boundaries of the project site shall also be indicated on the plans in accordance with the Planning Department's Rule No. 17 (Landscaping Requirements) standards for the Village Commercial (CV) zone adjoining a Single-Family Residential (RS) zone.

4. Access to the project site shall meet the requirements of the Department of Transportation.
5. The gate at the driveway entrance on Volcano Highway shall remain open during hours of operation.
6. Hours of operation for the commercial kitchen shall be limited to 6:00 a.m. to 5:00 p.m., Monday through Saturday, with occasional evening use of the kitchen to accommodate special orders and use by others. Hours of operation for retail activities shall be limited to 7:00 a.m. to 4:00 p.m., Monday through Saturday.
7. All signs associated with the proposed use shall comply with Chapter 3 (Signs) of the Hawai'i County Code, this includes securing a sign permit from the Building Division-Department of Public Works.
8. The applicants shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
9. An initial extension of time for the performance of conditions of the permit may be granted by the Planning Director upon the following circumstances:
 - A. 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 the Zoning Code.
 - C. Granting of the extension would not be contrary to the original reasons for the granting of the permit.
 - 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).
 - E. If the applicants should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

Should any of the conditions not be met or substantially complied with in a timely manner, the Planning Director may initiate the revocation of the permit.

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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 contact Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Zendo Kern, Chairman
Windward Planning Commission

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cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
DOT-Highways, Honolulu
Department of Health
Mr. Gilbert Bailado ✓
Mr. Jeff Melrose

