CERTIFIED MAIL

January 17, 1989

Mr. Walter Ah Hee
218 Hoomalu Street
Hilo, Hawaii 96720

Dear Mr. Ah Hee:

Use Permit Application
Applicant: Reverend Miyoko Kimura
on Behalf of Kakako Tenrikyo Church
TMK: 2-5-60:18

The Planning Commission at its duly held public hearing on January 10, 1989, voted to approve your application, Use Permit No. 65, to allow the establishment of a church at Ponahawai, South Hilo, Hawaii.

Approval of this request is based on the following:

The granting of the proposed use will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the County General Plan. The establishment of a church facility situated in the County's Residential zone district with a minimum 10,000 square feet of land area may be allowed through the granting of a Use Permit by the County Planning Commission. It should be further noted that the goal of the Land Use element of the General Plan is to "Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural, and physical environments of the County." The County General Plan designates this area for Low Density Urban Development. This designation would allow ancillary community uses such as the church. Further, the Hilo Community Development Plan recommends this area for Residential uses. It is felt that the granting of this request at this particular location will still maintain the present residential environment of this area of Hilo.

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The proposed church development will be a one-story building, approximately 18 feet in height, with approximately 2,440 square feet of total floor area, including 780 square feet of seating area for worship. From a physical standpoint, the low profile building development will be compatible with the existing residential development. The property is of sufficient size (2.149 acres) to provide for adequate setbacks and buffers between the church and residential areas to minimize any other impacts from the proposed use.

The proposed use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties. The use of the church complex one day a month with minimal daily use, as represented by the applicant, is not expected to interfere with nor cause any social or physical impacts to the surrounding properties. The church has been in existence since before 1974 and the Planning Department has received no official complaints from area residents about its use. The applicant has stated that she has received no complaints from neighbors in that time.

The proposed church will be developed along the eastern portion of the subject property with approximately an 85 foot front yard setback from the future road widening setback. The existing dwelling has an approximate 35 foot front yard setback. An off street parking area for 20 stalls is planned. Considering the proximity of surrounding dwellings, increased setbacks on all sides and installation of landscaping buffers on the north and south property lines and within the parking area are being recommended as conditions of approval to minimize any social or physical impacts as well as to enhance the appearance of the development.

The granting of a Use Permit for the proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure. Since all essential utilities and services are available to the property, the granting of this request will also further the land use policy of the General Plan which has a goal of promoting and encouraging the utilization of urban areas which are serviced by basic community facilities and utilities. As such, from an impact standpoint, the introduction of this new church facility will not have any major physical impacts on this area.

As previously mentioned, there is concern relating to the adequacy of Iwipolena Road, which serves as the main access to the subject property, to handle any increase in traffic over present levels. The topography of the road right-of-way and existing landscaping would necessitate substantial work to widen the road. Hokulani Street, to the west of the property has access to an improved roadway. Use of that access would require approximately 350 feet of paved driveway across the property.

The applicant has stated that little or no increase in the membership of the congregation is anticipated, and the proposed development is not expected to generate increased traffic. The congregation is small in number and has not anticipated making large infrastructure expenditures. As we have received no complaints regarding present use of the road and the applicant has stated that she has had no problems with neighbors regarding present use of the road, no major road improvements are being required at this time.

Based on the above, staff recommends approval of this Use Permit Application subject to the following conditions:

1. The applicant, its successors or its assigns shall comply with all of the stated conditions of approval.

2. The plans for the proposed church facility, including a parking and detailed landscaping plan, shall be submitted for Plan Approval review within one year from the effective date of the Use Permit and Final Plan Approval shall be secured within one year thereafter. 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. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted. All parking for the church functions shall be maintained on the subject property to ensure that on-street parking will not occur on Iwipolena Road. The detailed landscaping plan shall include landscaping buffers in the form of trees and shrubbery to be planted by applicant along the north and south property lines as well as landscaping medials within the parking areas.

3. The church building shall maintain a minimum 50-foot setback from the south (side), west (rear), and north (side) property lines. The purpose of this requirement is to provide an adequate visual and noise buffer area between the church use and adjacent existing and future residents. The 15-foot road widening setback line shall be depicted on plans submitted for Plan Approval. No structural improvements shall be allowed within this road widening strip, provided however, any required landscaping may be permitted within the strip. All applicable setbacks shall be taken from the 15-foot future road widening setback line.

4. The construction of the proposed church and related improvements shall commence within one year from the effective date of final Plan Approval and be completed within two years thereafter.

5. All proposed improvements relative to access, drainage, grading, etc. shall comply with the requirements of the Department of Public Works.

6. Preschool or day-care activities shall not be permitted.

7. Comply with all other applicable laws, rules, regulations and requirements, including those of the Department of Water Supply, the Department of Health and the Uniform Fire Code.

8. If, in the determination of the Planning Director, the church's use of Iwipolena Road negatively impacts the community in the future, the Planning Department shall be authorized to require that driveways accessing Iwipolena Road be closed and that access be taken from Hokulani Street.

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 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 may initiate procedures to nullify the permit.

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

Sincerely,

Gary Mizuno
Chairman, Planning Commission

xc: Reverend Miyoko Kimura
Department of Public Works
Department of Water Supply
County Real Property Tax Division

bcc: Plan Approval Section