Planning Commission

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

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

April 2, 1992

The Reverend O. W. Efurd
Hawaii Baptist Convention
2042 Vancouver Drive
Honolulu, HI 96822-2491

Dear Reverend Efurd:

Use Permit Application (UP92-1)
Applicant: Hawaii Baptist Convention
Request: Church, Day Care, and Related Uses
Tax Map Key: 6-8-02:Portions of 26 and 31

The Planning Commission at its duly held public hearing on March 24, 1992, voted to approve your application, Use Permit No. 99, to allow the establishment of a church, day care facilities, mission residences, recreational area and related improvements on 12.381 acres of land situated within the County's Single Family Residential-10,000 square foot (RS-10) zoned district. The property is located within Waikoloa Village, adjacent and to the northwest (makai) of the Paniolo Drive - Puu-Nui Street intersection, Waikoloa, South Kohala, Hawaii.

Approval of this request is based on the following:

The establishment of a church and day care facility within an area zoned Single-Family Residential-10,000 square foot (RS-10) will not be inconsistent with the general purpose of that zoned district, the intent and purpose of the Zoning Code, and the General Plan. The granting of such a facility would complement a goal of the General Plan's Land Use Element which states to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.". It is felt that the granting of this request at this particular location will provide a convenient service to the growing residential community while maintaining the residential character of the area. Therefore, the granting of this request would also be in the direction of fulfilling a policy of the General Plan in

which "The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment".

The granting of 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 project site is located adjacent to a growing residential community. The church and day care facility will be located in close proximity to the new and existing residential developments such as the County's affordable housing project, the Schuler housing project, Sunset Ridge, Waikoloa Heights and Waikoloa Village Estates.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. Within the Waikoloa Village proper, there are no similar uses.

The proposed development is not anticipated to have any substantial adverse environmental or ecological effects. The area is not a habitat for any endangered plant or animal species.

The granting of the permit to allow the establishment of a church and day care facility will not unreasonably burden public agencies to provide the necessary utilities and services. All essential utilities and services are, or will be provided. Access to the project site, as well as driveway improvements, will be subject to the approval of the Department of Public Works. In addition, the applicant will be required to restripe Paniolo Drive to include a left turn lane as directed by the Department of Public Works. A drainage study, meeting with the approval of the Department of Public Works, will also be required for the gulch located along the northern boundary of the subject property. The applicant shall implement the recommendations of the drainage study, if any, in a manner meeting with the approval of the Department of Public Works. The proposed church will accommodate, upon completion of Phases I and II, approximately 750 members. The proposed educational buildings will accommodate 470± people with the day care facility another 80. Given the scope of the proposed activities, the programs offered by the applicant and the proximity of the proposed Waikoloa Elementary School facility; it is recommended that appropriate pedestrian measures be implemented. As required for the proposed elementary school

located approximately 320 feet to the north of the project site, the applicant shall provide curb, gutter and sidewalk improvements along the frontage of Paniolo Drive prior to the issuance of a certificate of occupancy for the proposed uses.

Approval of this request is subject to the following conditions:

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

2. Final Plan Approval for Phase I and related improvements 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. Detailed landscaping, parking, and interior traffic circulation patterns shall be included on plans submitted.

3. Construction of Phase I shall commence (building permit) within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter (certificate of occupancy).

4. Final Plan Approval for Phase II and related improvements shall be secured from the Planning Department within two (2) years from the date of completion of Phase I. 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. Detailed landscaping, parking, and interior traffic circulation patterns shall be included on plans submitted.

5. Construction of Phase II shall commence (building permit) within one year from the date of receipt of Final Plan Approval for Phase II and shall be completed within one year thereafter (certificate of occupancy).

6. The applicant shall prepare and submit a drainage study of the subject property for the review and approval by the Department of Public Works. The applicant shall provide all drainage improvements as may be required by the Department of Public Works prior to the issuance of a certificate of occupancy of the proposed development.

7. Access to the project site, including adequate sight distance, shall meet with the approval of the Department of Public Works prior to issuance of a certificate of occupancy for any structure in Phase I. The applicant shall also restripe that portion of Paniolo Drive in the vicinity of the subject property to include a left turn lane at a time to be determined by and in a manner meeting with the approval of the Department of Public Works.

8. Curb, gutter and sidewalk improvements shall be installed along the entire length of the property's Paniolo Drive frontage prior to the issuance of a certificate of occupancy for any portion of the proposed development.

9. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.

10. Comply with all other applicable laws, rules, regulations and requirements.

11. 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.

12. 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.

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

Sincerely,

Mike Luce

Mike Luce, Chairman
Planning Commission

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jdk

xc: Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
DLNR
Plan Approval Section