County of Hawai'i

LEEWARD PLANNING COMMISSION

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SEP 12 2011

Ms. Penny Brumbaugh
A Hui Hou Crematory and Funeral Home
74-5615 Luhia Street
Kailua-Kona, HI 96740

Dear Ms. Brumbaugh:

Use Permit Application (USE 11-000026)
Applicant: A Hui Hou Tribute Center, LLC
Request: Full Service Cremation Facility
Tax Map Key: 7-4-015:022

Revocation of Use Permit No. 06-000004
Applicant: A Hui Hou Tribute Center, LLC
Tax Map Key No. 7-5-22:3

The Leeward Planning Commission at its duly held public hearing on August 18, 2011, voted to approve the above-referenced request to allow the establishment of a full service cremation facility on property zoned General Industrial (MG-1a). The project site is situated at 74-5616 Luhia Street, which is situated along the north side of Luhia Street at the junction of Luhia Street and Eho Street, Keahuolu, North Kona, Hawai'i. The Commission also subsequently voted to revoke Use Permit No. 06-000004 as requested by the applicant. Use Permit No. 06-000004 was previously approved to allow cremation within a mortuary facility on property zoned Village Commercial (CV). The property (former 7-Eleven Store) is located along the east side of Kuakini Highway, approximately 100 feet northwest of the Kuakini Highway – Hualālai Road intersection, Honuaula, Kailua Village, North Kona, Hawai'i.

Approval of Use Permit No. 11-000026 is based on the following:

The applicant is requesting a Use Permit to allow the establishment of a full service cremation facility on property zoned General Industrial (MG-1a). The request is to allow the cremation of human remains in an oven built specifically for that purpose. The cremation equipment is an American A-200HT Cremator made by the American Crematory Equipment Company. There will be a crematory hot air stack for emissions protruding approximately seven feet above the roof of the structure. The manufacturer advertises that the unit is smoke and odor free and is temperature controlled to prevent overheating and operator error. According to the applicant, the existing facility is "funeral services office." The applicant provides many services to the deceased with the exception of viewings or on-site services. The addition of a retort will allow the applicant the opportunity to cremate the deceased in an affordable and timely manner for the convenience of the family. The facility will operate 24 hours a day, 7 days a week, and there will be two to three full-time employees on-site at any given time.

The reason for the request is that the applicant is in the process of relocating their cremation business from the previously approved location, which was at 75-5715 Kuakini Highway in Kailua Village (the former 7-11 store location) to this new location at 74-5615 Luhia Street. The applicant is submitting the Use Permit application as required to operate a crematorium on property zoned General Industrial (MG-1a). Additionally, the applicant has concurrently submitted a request to revoke Use Permit No. 06-000004 that applied to the applicant's Kuakini Highway facility.

In considering the Use Permit request, the Planning Commission found that the proposed use would conform to the following guidelines of Rule 7 of the Planning Commission Rules relating to Use Permits:

(A) The granting of the proposed use shall be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the County General Plan;

(B) The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties; and

(C) The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

The proposed request to allow the establishment of a full service cremation facility on property zoned General Industrial (MG-1a) would meet the guidelines for approval of a Use Permit, for the reasons outlined below.

The granting of the proposed use is consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the County General Plan. According to the Zoning Code, the MG (general industrial) district applies to areas for uses that are generally considered to be offensive or have some element of danger. Crematoriums may be permitted in the MG district, provided that a use permit is secured. The applicant proposes to operate a full service cremation facility on property zoned General Industrial (MG-1a) within an existing building called the Palm Terrace and is applying for a use permit. The General Plan designation for this area is Industrial, which includes uses such as manufacturing and processing, wholesaling, large storage and transportation facilities, light industrial and industrial-commercial uses. The proposed use is consistent with the intent of the General Plan designation and as such, the use will not significantly alter the appearance or character of the neighborhood.

The proposed request would complement the following policies of the General Plan:

Economic Element

- Economic development and improvements shall be in balance with the physical, social and cultural environments of the island of Hawai'i.
- Provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural and social environment.

Land Use Element

- Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

Thus, the proposed full service cremation facility is consistent with the intent of the Zoning Code for this district, is consistent with the General Plan designation and is in keeping with the policies Economic and Land Use Elements of the General Plan.

The granting of the proposed use is not materially detrimental to the public welfare nor will it cause substantial, adverse impact to the community's character or to surrounding properties. The subject property is 1.6 acres in size and is located at74-5615 Luhia Street in Kailua-Kona. The existing building is called the Palm Terrace, which contains several commercial businesses. The applicant is leasing a 1,270 square-

foot area, which was the previous location of the Harley Davidson Motorcycle store. The parking lot contains 65 parking spaces available for common use by all, in which the applicant may use three stalls at any given time.

The surrounding properties are similarly zoned MG-1a to the west and south. Properties to the east are zoned CV-10 and properties to the north across Queen Kaahumanu Highway are zoned CG-10. Uses in the immediate area include commercial retail establishments and industrial type of businesses.

At this time, there are two cremation businesses on the east side of the Big Island, Dodo Mortuary and Homelani, and there are two cremation businesses on the west side of the Big Island, the applicant's business and Cremation Services of West Hawai'i.

The cremation services will be operated within an existing building and will not change the character of the surrounding area or cause adverse impacts to the surrounding properties. The retort must pass stringent environmental standards in order to be approved for use in the State of Hawai'i. Today's retort are very clean burning due to EPA statutes. When operated properly, the retort is smokeless and odorless.

Lastly, the Planning Department has not received any letters of opposition from the community.

Based on the above information, the proposed use should not be materially detrimental to the public welfare nor should it cause substantial, adverse impact to the community's character or to surrounding properties.

The granting of 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. Access to the subject property is from Luhia Street, which a County owned and maintained roadway that has a 20-foot wide paved access road within a 60-foot wide right-of-way. Traffic impacts are expected to be minimal for the proposed use. Wastewater will be disposed of in accordance with applicable rules of the Department of Health and Department of Environmental Management. The property is located in Zone X and is not located within any designated flood plain. Water, telephone and electricity are available to the facility. Police and fire protection are located within one mile from the property.

The project site is located approximately 3,500 feet from the nearest coastline and will not impact any recreational resources, including access to and along the shoreline, mountain access, scenic and open space nor visual resources, coastal ecosystems, and

marine coastal resources. Further, the property will not be affected by any coastal hazards nor beach erosion. Therefore, the approval of the subject request shall not be contrary to the objectives and policies of the Coastal Zone Management Program.

Further, as the property has been developed, it is also not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area.

Based on the above, Use Permit No. 11-000026 is approved subject to the following conditions:

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

2. The crematorium shall be established within two (2) years from the effective date this permit.

3. The operation of the funeral services office and crematorium shall be conducted in a manner that is substantially representative of plans and details as contained within the Use Permit Application (USE 11-000026) received on May 16, 2011.

4. The applicant shall not conduct services, viewings or similar activities on-site.

5. The applicant shall have a backup generator for the crematorium.

6. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements, including the Department of Health, Department of Environmental Management, Department of Public Works and the Environmental Protection Agency (EPA) for this use.

7. Any complaints received by the applicant shall be forwarded to the Planning Director. The Planning Director shall investigate and, if necessary, suspend the permit. If the complaint(s) is not resolved, the Planning Director shall then refer the matter to the Planning Commission to revoke the permit. Upon appropriate findings by the Planning Commission, if the applicants fail to comply with the conditions of approval or has caused any unreasonable interference or nuisance on the surrounding community, the permit may be revoked.

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 have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result or 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 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).

Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may 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.

Should you have any questions, please contact Daryn Arai of the Planning Department at 961-8288.

Sincerely,

Wayne Ioka

Wayne Ioka, Acting Chairman
Leeward Planning Commission

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cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division - Kona
Planning Department - Kona
Mr. Gilbert Bailado