PLANNING COMMISSION

25 AUPUNI STREET • HILO, HAWAII 96720

COUNTY OF
HAWAII

CERTIFIED MAIL

August 15, 1988

Mr. Sidney Fuke
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

New Hope Christian Fellowship
Special Permit Application for
Tax Map Key: 2-4-36:Portion of 1 and
Planning Director's Request to Nullify Use Permit No. 47 for
Tax Map Key 2-4-03:Portion of 21

The Planning Commission at its duly held public hearing on August 9, 1988, voted to approve the above special permit application, Special Permit No. 672, to allow the establishment of a church and related improvements on 10 acres of land at Waiakea, South Hilo, Hawaii. The Commission also voted to nullify Use Permit No. 47 which allowed the establishment of a church and related improvements on 6 acres of land at Waiakea Homesteads, South Hilo, Hawaii.

Approval of Special Permit No. 672 is based on the following:

1. 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 agricultural districts, the intent is to preserve or keep lands of high agricultural potential in agricultural use. While the subject property has a fair potential for productive agricultural uses, the capability of the soil is severely limited for cultivation due to droughty and stony conditions. The subject area is not classified according to the ALISH map system. The restrictive nature of the property is further evidenced by the utilization of the land which is vacant. It is felt that approval of a church

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facility would not remove valuable agricultural resources from production nor adversely affect the potential productivity of the area. This finding is supported by the Department of Agriculture who had no adverse comments on the application.

2. The requested church facility will not adversely affect the surrounding properties. The lands to the north, west and south are vacant or in pasture. Agricultural-zoned lots containing residences are located to the east fronting Kupulau Street. The use of the church complex during weekdays and weekends as represented by the petitioner should not interfere with nor cause any social or physical impacts to the surrounding properties or uses. However, to minimize any social or physical impacts as well as to enhance the appearance of the development, the installation of landscaping buffer and additional parking are being recommended as a condition of approval. The petitioner is proposing an off-street parking area for 117 parking stalls. However, because of the size of the church's congregation, the size of the building, and the lack of any on-street parking areas in close proximity to this development, an additional overflow parking area must be provided on the subject property. Direct visual and noise impacts should be mitigated with these plan approval measures in place.

3. The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. County water is available from an 8-inch waterline and the applicant has obtained a water commitment from the Department of Water Supply. With regards to fire protection, this permit is conditioned upon the provision for an on-site fire hydrant 150 feet from the proposed church building. As discussed previously, roadways are adequate to accommodate the additional traffic due to the nonconflicting times of services and meetings with peak hour traffic. Should the project affect that portion of the property designated as a flood zone by the FIRM Map, the requirements of Chapter 27 of the Hawaii County Code relating to Flood Control would be imposed by the Department of Public Works.

4. The land upon which the proposed use is sought is unsuited for the uses permitted within the district. As stated previously, no existing or proposed areas for agricultural activities will be curtailed or diminished as a result of the new use.

5. The proposed use will not substantially alter or change the essential character of the land and the present use. The character of the land is basically rural with residences and pasture. A church, county park and ballfield and store are located in the vicinity. It is felt that the proposed church facility and recreational area would be adequately set back from Kupulau Street and existing residences to allow the continued open space and rural-like atmosphere of the area.

6. Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The property is not considered to be valuable for its agricultural potential. It is also designated for Low Density Urban Use by the County General Plan. These factors point to the future development of this area for urban activities rather than for agricultural purposes.

7. The request is not contrary to the General Plan. The General Plan LUPAG Map depicts the area to be for Low Density Urban Use provided applicable goals, policies and standards are met. Low Density Urban Use is defined as "Low Density Residential, neighborhood commercial and ancillary community and public uses, residential no more than 4 units per acre." The granting of this request in relation to surrounding and nearby urban uses, such as the store, community gym and ballfield and church/preschool, serves to augment the community-oriented facilities in the neighborhood. This would complement one of the basic purposes of the County General Plan which is "To improve the physical environment of the County as a setting for human activities - to make more functional, beautiful, healthful, interesting and efficient."

In view of the foregoing, it is determined that proposed church facility and related improvements are unusual and reasonable uses, which would not be contrary to the objectives

sought to be accomplished by the Land Use Law Rules and Regulations.

Approval of Special Permit No. 672 is subject to the following conditions:

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

2. Plans for the proposed church facility, including parking and landscaping, shall be submitted for Plan Approval review within one year from the effective date of this permit and Final Plan Approval shall be secured within two years thereafter. Parking for all church functions shall be maintained on the subject property to ensure that on-street parking will not occur on Kupulau Street. An overflow parking area shall be provided for on the subject property and shall be delineated on the plans submitted for plan approval. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted. Detailed landscaping plans shall include landscaping buffers in the form of trees and shrubbery along the sides of the project as well as landscaping medials within the parking areas.

3. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.

4. A 50-foot wide set back line from Kupulau Street for road widening purposes shall be depicted on future site plan submittals.

5. The church building shall maintain a minimum 50-foot setback from all 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.

6. Driveway access shall comply with the requirements of the Department of Public Works.

7. A fire hydrant shall be provided within 150 feet from the proposed building as required by the Fire Department.

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

9. Should any unanticipated archaeological or cultural sites or features be uncovered during land preparation activities, work within the affected area shall immediately cease and the Planning Director notified. No work within the affected area shall resume until clearance is obtained from the Planning Director.

10. Comply with all applicable county and state laws, rules, regulations and requirements, including those of the Department of Public Works and the State Department of Health.

11. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of this permit. The report shall address the status of the development and compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.

12. The Planning Director may administratively grant extensions to the foregoing conditions subject to any of the following circumstances occurring: A) the need for an extension is the result of either unforeseen conditions or are circumstances beyond the control of the applicant, successors or assigns; 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). Should any of the foregoing conditions not be met or substantially complied with in a timely fashion after the Planning Director has given the permittee notice, this permit may be voided by the Planning Commission.

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

Sincerely,

Thomas A. Krieger

Thomas A. Krieger
Chairman, Planning Commission

xc: New Hope Christian Fellowship
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission