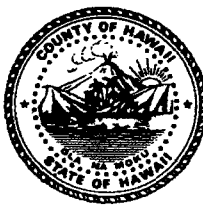


Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

October 26, 2017

Mr. Ernest Matsumura, President
American Trading Company, Limited
113 Kuawa Street
Hilo, HI 96720

Dear Mr. Matsumura:

Use Permit No. 139 (to establish a church and related improvements)

Special Management Area (SMA) Minor Permit No. 33 (to establish a church and related improvements)

Subject: Request to Revoke Permits

Tax Map Key: (3) 2-2-032:024

Thank you for your letter dated October 16, 2017, requesting that the subject Use Permit No. 139 and SMA Minor Permit No. 33 be revoked as the church activities ceased several years ago when the church moved to a different property. Additionally, a recent Use Permit to allow the establishment of a public charter school for Ka 'Umeke Kā'eo was granted by the Planning Commission on October 5, 2017. The public charter school occupies the tenant space formerly occupied by the church.

Rule 7-11(a) of the Planning Commission Rules of Practice and Procedure allows the Planning Director to revoke a Use Permit if the property owner makes the request and confirms that the development approved by the permit has not been established or has been abandoned. **Based on your request, Use Permit No. 139 is hereby revoked.**

Rule 9-16(e) of the Planning Commission Rules of Practice and Procedure authorizes the Planning Department to adopt rules to establish the procedures for revocation of a Special Management Area Minor Permit. Based on your request, SMA Minor Permit No. 33 is hereby revoked.

OCT 27 2017

Mr. Ernest Matsumura, President
American Trading Company, Limited
Page 2 of 2
October 26, 2017

If you have any questions, please feel free to contact Shancy Watanabe at (808) 961-8144.

Sincerely,



MICHAEL YEE
Planning Director

SHW:mad

P:\wpwin60\shancy\shancy\pc-related\letters\revoking a permit(s)\american trading company, limited-cancel permits.doc

cc: USE 139
Gilbert Bailado, GIS (w/ copy of letters)

SMA 77-009 - 33
USE 95-007 - 129

AMERICAN TRADING COMPANY LTD.
113 Kuawa Street
Hilo Hawaii 96720

October 16, 2017

Michael Yee Director
Planning Department
County of Hawaii

Dear Mr. Yee:

2017 OCT 19 PM 2 22
PLANNING DEPARTMENT
COUNTY OF HAWAII

Applicant: American Trading Co., Ltd.
Subject: Initiating Revocation of Previously Issued SMA Permit No.33
(Establish a Church and Related Activities) and Use Permit No.139
(Establish a Church and Related Activities)

Tax Map Key: (3) 2-2-032:024

This letter is requesting that Use Permit No. 139 and SMA Minor Permit No33 be revoked.

Sincerely,

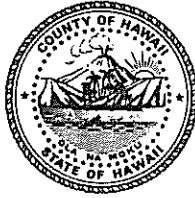


Ernest Matsumura, President
American Trading Co. Ltd.

Cc: Shancy Watanabe

SCANNED
OCT 19 2017
By: 114479

Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL
Z 416 228 867

September 7, 1995

Pastor George N. Kamakahi
Thy Word Ministries, Inc.
P.O. Box 5149
Hilo, HI 96720

Dear Pastor Kamakahi:

Use Permit Application No. 95-7
Applicant: Thy Word Ministries, Inc.
Request: Establishment of a Church and Related Activities
Tax Map Key: 2-2-32:24

The Planning Commission at its duly held public hearing on August 24, 1995, voted to approve the above-referenced application. The Planning Director had initially recommended denial of the Use Permit Application; however, the Planning Commission requested that a favorable recommendation be drafted. The Planning Commission subsequently approved the Use Permit. Therefore, Use Permit No. 139 is hereby issued to allow the establishment of a church and related activities. The property, consisting of 52,457 square feet, is located at the corner of Kuawa and Kalanikoa Streets and adjacent to the Waiakea Kai Shopping Plaza at Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

In considering a Use Permit for any proposed use, Rule 7 of the Planning Commission relating to Use Permits requires that such action conform to the following guidelines:

- (A) The proposed use will still 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 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.
- (C) The proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region.
- (D) 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.

10200

SEP 07 1995

The proposed church use at this particular location would 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 and related activities in the Limited Industrial (ML-20) zoned district and the State Land Use Urban District may be allowed through the granting of a Use Permit. However, the Use Permit process provides an avenue to review and analyze a proposed project on a case-by-case basis relative to infrastructure and impacts on surrounding properties and existing uses as well as the General Plan goals and policies. The intent and purpose of the Zoning Code is to promote health, safety, morals or the general welfare of the community through regulations and restrictions relative to the location and use of buildings, off-street parking, the percentage of lots that may be occupied, the density of population, and land for trade, industry, residence or other purposes.

The proposed church use is open for public use similar to theaters, restaurants and recreational facilities. The establishment of a church on the subject property would be compatible with existing land uses in the immediate area. The Waiakea Kai Shopping Plaza includes existing uses such as the tri-plex theater, Fun Factory, McDonald's Restaurant and other retail and dining establishments. Directly across the subject property along Kuawa Street is the Morning Dew Restaurant & Lounge, and to the southeast is the Fiasco's Restaurant. Approval of the proposed church use in this particular location would not be in conflict with these adjacent commercial and industrial uses.

The General Plan designates the property for Medium Density Urban which allows village and neighborhood commercial and residential uses and related functions. Mindful of the type of service the applicant will provide to the surrounding area, the proposed use will complement the Land Use Element of the General Plan to, "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and to ". . . 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 and cause substantial, adverse impact to the community's character or to surrounding properties. The proposed church use will be compatible with the existing mix uses of active commercial and industrial activities. Traffic concerns already exist in the area due to the multiple public uses of the theater, recreational and dining establishments. In addition, the patrons of the existing uses compete for on-street parking as there is limited on-site parking area for the various uses. According to the Zoning Code, the proposed use would require 98 parking stalls. There are presently only 54 existing stripped stalls on site. These traffic and parking concerns will be mitigated by the applicant. As an example, the applicant will be providing for additional parking stalls at several locations in the immediate vicinity of the project site. These potential parking site locations could include the Waiakea Recreational Center or nearby vacant lands. To mitigate traffic impacts along Kuawa and Kalanikoa Streets, the applicant will provide for restricted access and turning movements from the project's proposed access driveways. The Kuawa Street access driveway closest to the Kalanikoa-Kuawa Street intersection will be limited to right-turn exit only as recommended by the Department of Public Works. In addition, the other Kuawa Street access driveway will be limited as a one-way entrance. Other roadway improvements as recommended by the Department of Public Works, such as curb, gutter, sidewalk and drainage improvements, will

not be required due to the temporary use of the approved church use to no more than six years.

The granting of the proposed church use is not anticipated to adversely affect similar or related existing uses within the surrounding area, community or region. As described above, the location of the proposed church use at the subject site would be compatible with the existing active commercial and industrial uses and activities in the area.

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. All essential utilities and public services are provided. According to the Department of Public Works, Kuawa and Kalanikoa Streets are in fair condition; however, a ponding problem occurs at the corner along Kalanikoa Street fronting the subject property. Curb/gutter/sidewalks are in place only along one side of Kuawa and Kalanikoa Streets. Due to the temporary nature of the approved church use, roadway and drainage improvements as described above will not be required. As mentioned previously, traffic congestion along Kuawa and Kalanikoa Streets generated by the approved church use will be mitigated by restricting access and turning movements from the subject property onto these roadways.

Approval of this request is subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury and death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.
3. Final Plan Approval of the church and related activities shall be secured from the Planning Director. Plans shall identify existing structures and all parking stalls associated with the proposed use. Parking shall comply with the requirements of Chapter 25 (Zoning Code). Concurrently with the submittal of plans for plan approval review, the applicant shall submit proper documentation confirming the provision of additional parking area(s) on lands beyond the project site to accommodate the approved church use.
4. The church and related activities shall be established within two (2) years from the effective date of this permit.
5. The life of this permit shall not exceed six (6) years from the effective date of this permit.
6. Driveway accesses from the project site onto Kalanikoa and Kuawa Streets shall meet with the approval of the Department of Public Works. The project site's western access driveway closest to the Kalanikoa-Kuawa Street intersection shall be limited to right-turn out movements only.

7. The church and its related activities shall be limited to the hours from 8:00 a.m. to 1:00 p.m. on Sundays and from 7:00 p.m. to 9:00 p.m. on Mondays, Tuesdays and Wednesdays.
8. Comply with all other laws, rules, regulations and requirements, including those of the Department of Health and the Department of Public Works - Building Division.
9. An initial extension of time for the performance of conditions within the permit, with the exception of Condition No. 5, 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 Planning 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.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Wilton K. Wong, Chairman
Planning Commission

AK:syw
LThyWo01.PC

cc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Plan Approval Section