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

Bernard K. Akana
Mayor

CERTIFIED MAIL

December 5, 1989

Reverend Loretta Lurbe
United Pentecostal Church
P.O. Box L
Kurtistown, HI 96760

Dear Reverend Lurbe:

Use Permit Application
TMK: 1-7-16:Portion of 36

The Planning Commission at its duly held public hearing on November 28, 1989, voted to approve your application, Use Permit No. 70, to allow the establishment of a church and related improvements on a 1+-acre portion of a 5.3-acre lot situated within the Single Family Residential - 20,000 square foot (RS-20) zoned district along the west side of the Volcano Highway, adjacent to and south of the Hilo Korean Christian Church, Keaau, Puna, Hawaii.

Approval of this request is based on the following:

The granting of this request 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 and related improvements situated in the County's Single Family Residential (RS) zoned district may be allowed through the granting of a Use Permit by the Planning Commission. The establishment of a church at this location is consistent with the goal of the Land Use element of the General Plan 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 uses. It is felt that the granting of this request at this particular location will maintain the present residential environment of this area of the Puna District. The proposed church structure will have a low profile (less than 20 feet high). The maximum allowable height

DEC 05 1989

within the RS district is 35 feet. Therefore, from a physical standpoint, the profile of the structure will be compatible with the character of the existing single family residential development in the area.

The desired use will not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties. Single family dwellings are situated to the south of the proposed church site and across the highway to the east. The applicant has begun construction on a single family dwelling on the subject property to the west of the proposed church site. A church has been established on the adjoining lot to the north. The existence of the neighboring church is compatible with this request and reduces the potential of negative impacts to that adjoining property. The size of the property is adequate to allow buffers to minimize noise and visual impacts to neighboring residents. For this reason, setbacks of at least 50 feet from existing and future property lines and landscaping buffers are recommended.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection, and other related infrastructure. Since all essential utilities and services are available to the property, the granting of this request would be consistent with the land use policy of the General Plan to promote and encourage the utilization of urban areas which are serviced by basic community facilities and utilities. The Fire Department has requested that a fire hydrant be provided on the property. Access to the highway must be approved by the Department of Transportation. The Department of Transportation has recommended a 10-foot wide "no vehicle access" planting screen easement across frontage exclusive of accesses. Day care services are not being provided; therefore, traffic impacts will be limited to the hours of church services on Sundays and weekday evenings. The location of the proposed church next to an existing church will serve to centralize traffic impacts. With the fulfillment of requirements of affected agencies, the introduction of the church facility is not expected to have major impacts on the infrastructure of the area.

Based on the above considerations, it is determined that the establishment of a church and related improvements conforms to the guidelines established for the granting of a Use Permit.

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. Final Plan Approval 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. Plans shall identify structures, landscaping buffers around the perimeter of the church site, and paved parking stalls. Plans shall show minimum 50-foot setbacks from all existing and future property lines. Plans shall designate a 10-foot wide "no vehicle access" planting screen easement across the frontage of the property exclusive of the church access and the 25-foot wide access easement on the southern portion of the property. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted. Parking for all functions shall be maintained on the subject property. All improvements shall be completed prior to issuance of a certificate of occupancy.

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

4. Preschool or day care activities shall not be allowed.

5. Access to the property from the Volcano Highway shall meet with the approval of the State Department of Transportation, Highways Division.

6. A fire hydrant shall be installed in accordance with Department of Water Supply standards.

7. Comply with all other applicable laws, rules, regulations, and requirements of the Department of Health, Department of Public Works, and other State and County agencies.

8. 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.

9. 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 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,

Gary Mizuno
Chairman, Planning Commission

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

bcc: Plan Approval Section