Planning Commission

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

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

June 4, 1992

Virginia B. MacDonald, AIA
PO Box 47
Hawaii National Park, HI 96718

Dear Mrs. MacDonald:

Use Permit Application (UP 92-9)
Applicant: Kalapana Mauna Kea First Hawaiian Congregational Church
Request: Church and Related Improvements
TMK: 1-4-62: 131

The Planning Commission at its duly held public hearing on May 28, 1992, voted to approve the above application, Use Permit No. 102, to allow the establishment of a church and related improvements on 48,390 square feet of land situated within the County's Agricultural-1 acre zoned district. The property is located within Nanawale Estate Subdivision, along the southeast side of Kehau Road, between Kauai and Kahoolawe Roads, Puua, Puna, Hawaii.

Approval of this request is based on the following:

The granting of the proposed use will be consistent with the general purpose of the zoned district, the intent and purpose of this chapter, and the County General Plan. In this case, the General Plan Land Use Pattern Allocation Guide (LUPAG) map depicts the area for Low Density Urban uses, provided the goals, standards and policies of the General Plan are met. Low Density Urban use allows for single-family residential, neighborhood commercial and ancillary community and public uses, and convenience-type commercial uses and its related functions. The proposed use would support the development of community-oriented facilities for the neighborhood. This proposed use also conforms to a goal of the Land Use Element of the General Plan which seeks to provide access to community facilities by designating and allocating land uses in the appropriate proportions and mix that is within the social, cultural, and physical environments of the County. The proposed church would enhance the community's character by supporting and nurturing the development of a community atmosphere.

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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 property is located within the Nanawale Estates Subdivision which is residential/agricultural in character. Vacant lands immediately surround the property, except adjacent to and along the west property line are properties in single-family residential use. The proposed church will be located on a corner lot, bordered by three roads, and will be buffered from adjacent properties by existing ohia trees and extensive landscaping. A minimum 50-foot structural setback is being imposed along the east property line with provisions for landscaping. In the past, this 50-foot setback has been imposed on other church structures where nearby residences could be affected. The minimum setback requirement, landscaping and existing trees will provide an efficient buffer from any noise or visual impact that may be generated by the proposed church. To ensure that such impact is minimized and the residential/ agricultural character of the area be maintained, it is recommended that these be conditions of approval.

The desired use will not adversely affect similar or related existing uses within the surrounding area, community or region. The original church was destroyed by lava in Kalapana in 1990 and since then members have been sharing the facilities of another church. There are no other churches of this denomination within the area that have been approved through the issuance of a Use Permit or Special Permit.

The desired use will not unreasonably burden public agencies to provide roads and streets, sweres, water, drainage, school improvements, police and fire protection. County water is presently not available to the subject site, however, the applicant proposes to construct a water catchment tank to support the restrooms and kitchen facilities. Access to the subject property is via Nanawale Boulevard to Kehau Road which has a 60-foot right-of-way with 3-foot shoulders. Kahoolawe and Kauai Roads, which border the property on the north and south respectively, both have a 40-foot right-of-way with a 16-foot oil-treated gravel pavement and 3-foot shoulders. Since the present membership is approximately 20 families, the county roadway leading to the subject property is adequate to accommodate the nominal traffic. A condition requiring 16-foot

wide pavement on Kahoolawe Road from the intersection to and including the driveway access is being requested. Also, upon fulfulling agency requirements, the proposed use is not anticipated to have an adverse impact on the infrastructure within the area.

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 for the proposed church 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. Plans shall identify all structures, interior driveway circulation, fire protection measures, and paved parking stalls associated with the proposed church. Plans shall indicate a minimum 50-foot structural setback from the east property line. Plans shall also show detailed landscaping for the church buildings and parking area to create a visual and noise buffer area between adjacent existing and future residents. The applicant shall maintain parking for all church functions on the subject property to ensure that on-street parking will not occur on Kehau, Kahoolawe and Kauai Roads. Parking shall comply with the requirements of Chapter 25 (Zoning Code).

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. Driveway access from Kahoolawe Road shall comply with the requirements of the Department of Public Works.

5. The applicant shall provide a minimum 16-foot wide pavement within that portion of Kahoolawe Road from its Kehau Road-Kahoolawe Road intersection to and including the subject property's driveway access within 3 years from the date of issuance of a certificate of occupancy, in a manner meeting with the approval of the Department of Public Works.

6. Wastewater treatment system requirements as set forth by the Department of Health shall be complied with.

7. The applicant shall provide fire protection standards meeting with the approval of the Fire Department prior to the issuance of a certificate of occupancy.

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

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. All laws, rules, regulations and requirements, including those of the department of Health shall be complied with.

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 with 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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xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Fire Department
Department of Health
DLNR
Mayor
Planning Director
Plan Approval Section