

#528

CERTIFIED MAIL

April 14, 1983

Mr. Don McIntosh, R.L.S.  
Consultant-Planner, Developments  
Kona Surveyors  
P. O. Box 2902  
Kailua-Kona 96740

Dear Mr. McIntosh:

Special Permit Application  
Applicant: New Thought Church  
Tax Map Key 7-6-13:22

The Planning Commission at its duly held public hearing on April 7, 1983, voted to approve the above application for a special permit to allow the establishment of a church facility which includes a church building and an activities building at North Kona, Hawaii.

Approval of this request is based on the following:

The proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of the Land Use Law and Regulations is 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.

The subject property is situated within the County's Agriculture 1-acre (A-1a) and State Land Use "Agriculture" zoned districts. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject area within the "Alternate Urban Expansion" classification. The "Alternate Urban Expansion" designation allows "High", "Medium" and "Low" Density uses. "Churches" are conditionally permitted uses in the Agricultural zoned districts by the Zoning Code. A major objective in the State Land Use Law is that the affected County's General Plan and related planning documents are being

APR 13 1983

Mr. Don McIntosh, R.L.S.

Page 2

April 14, 1983

complied with when evaluating applications for "Special Permits." As "Churches" are conditionally permitted uses within the County's Agricultural zoned district and the County General Plan has designated this area as an "Alternate Urban Expansion" area, we have further concluded that the proposed church use would not be circumventing the County's planning efforts for this particular area.

The Agricultural district not only includes lands with a high capacity or potential for agricultural uses, but also includes lands which are surrounded by or contiguous to agricultural lands that are not suited to agricultural or ancillary activities by reason of topography, soils, and other related characteristics. The subject property's dominant soil type is of the "Punaluu" soil series. The Land Study Bureau's overall master productivity and selected use rating is "E" or "Very Poor." The Soil Conservation Service Soil Survey Report designates this soil to be within Capability Subclass VIII. Furthermore, the subject area has not been included in the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) Map.

Although it is possible that some form of agricultural activities may be conducted on the subject property, we have determined that the approval of subject request would not be detrimental to agricultural activities in the area, nor contrary to the objectives of the State Land Use Law and Regulations given the low agricultural productivity rating for the property; the fact that no agricultural activity is occurring on the property.

While it is possible to conduct selected agricultural uses on the property, its use as a church site will not seriously detract from agricultural activity that would result from a one acre sized subdivision since its soil is not generally well suited for such uses.

The proposed use will not adversely affect the surrounding properties. The nature and scale of the proposed church is considered minor in terms of its physical and visual impact to any scenic vistas, view planes or to the surrounding residential subdivisions in this area. The proposed church structure is to be a one-story building and the activities structure is to be a two-story building. The subject property is of sufficient size (1.92 acres) to enable adequate setbacks and buffers to be established. These concerns can be addressed through conditions

Mr. Don McIntosh, R.L.S.  
Page 3  
April 14, 1983

of approval and the "Plan Approval" process established in the Zoning Code. Therefore, the size, bulk, architecture, function and placement of the proposed structure and the impacts resulting therefrom are not anticipated to be adversely affecting the surrounding lands or properties nor significantly affect the character of the area.

The proposed use will not unreasonably burden public agencies to provide additional facilities and services. All essential services and facilities are available to the subject property. Kuakini Highway which is the primary access to the subject property is an 80-foot right-of-way with approximately 24 feet of pavement. The proposed church complex is proposed to be provided with an area for 62 parking stalls.

In terms of the property's location adjacent to or within the designated flood plain, these concerns can be adequately addressed by the grading and drainage requirements that will be imposed by the Department of Public Works. All on-site and off-site drainage impacts should be further reduced with these improvements and would improve the existing flooding and drainage systems for this area.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established.

The subject property is situated within the Kailua area which has been one of the largest growth areas on the island. From 1960 to 1980, the population of North Kona has increased by 212 percent. The County of Hawaii Data Book 1980 edition shows a population of 4,451 in 1960 and a population of 13,898 in 1980 in the North Kona district. Along with this growth there has also been a substantial land development expansion of the district in this area.

These trends show a clear pattern which has manifested itself by the population data. The proposed use would complement these trends by providing a facility for the spiritual needs of the expanding population in this area.

Based on the foregoing, we have further determined that the proposed church is an unusual and reasonable use of the land within the State Land Use Agricultural District and that the approval of the subject request would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

Mr. Don McIntosh, R.L.S.  
Page 4  
April 14, 1983

Approval of this special permit request is subject to the following conditions:

1. The petitioner, its assigns or its successors shall be responsible for complying with all of the stated conditions of approval.
2. The plans for the church complex and parking area, including a detailed landscaping plan shall be submitted to the Planning Department for "Plan Approval" within one year from the effective date of approval of the Special Permit.
3. Grading and drainage plans meeting the requirements of the Department of Public Works shall be submitted along with plans for Final Plan Approval.
4. The construction of the church and parking area shall commence within one year from the receipt of final "Plan Approval" and be completed within two years thereafter.
5. All drainage facilities and improvements required by the Department of Public Works shall be completed prior to issuance of the occupancy permit for the church.
6. The requirements of the State Department of Health shall also be complied with.
7. All other applicable State and County rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be complied with, the Special Permit shall automatically be deemed void.

Please feel free to contact us if there are any questions on this matter.

Sincerely,

CLYDE IMADA  
Chairman, Planning Commission

db

cc: New Thought Church  
Chief Engineer, Department of Public Works  
Building Section, Department of Public Works  
Kona Services Office

January 29, 1985

Ms. Ann Inaba, President  
New Thought Church of Hawaii  
P. O. Box AQ  
Kailua-Kona, HI 96745

Dear Ms. Inaba:

Special Permit No. 528 (83-2)  
Tax Map Key 7-6-13:22

This is in regards to the above-mentioned special permit which was granted by the Planning Commission effective April 7, 1983, to allow the establishment of a church facility on the subject property.

Condition No. 4 of the permit states, "The construction of the church and parking area shall commence within one year from the receipt of final Plan Approval and be completed within two years thereafter." Final Plan Approval was granted on October 28, 1983 and, as such, construction should have commenced on or by October 28, 1984. In addition, the permit reads, "Should any of the foregoing conditions not be complied with, the Special Permit shall automatically be deemed void."

According to our files, we have not received a completed written request for an amendment to Condition No. 4 and the October 28, 1984 deadline has lapsed. Therefore, by a copy of this letter to the Planning Commission, this is to inform you that Special Permit No. 528 is hereby deemed void due to non-compliance with said condition.

Should you have any questions, please feel free to contact our office.

Sincerely,



Albert Lono Lyman  
Director

AK:lv  
cc: Planning Commission

bcc: PA 1993 (via Masa)

JAN 30 1985