

CERTIFIED MAIL

October 22, 1985

Rev. Robert Miller
Paradise Park Church of the Nazarene
S. R. 13518
Keaau, HI 96749

Dear Rev. Miller:

Special Permit Application(85-21)
TMK: 1-5-17:117 & 118

The Planning Commission at its meeting on October 15, 1985, voted to approve your application, Special Permit No. 607, to allow the establishment of a church and related improvements on 2 acres of land situated within the State Land Use Agricultural District at Hawaiian Paradise Park Subdivision, Keaau, Puna, 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 purpose of the Land Use Law and Regulations is to protect, preserve, and encourage the development of lands in the State for the public health and welfare of the people of the State of Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District not only includes lands with a high capacity or potential for agricultural uses, but also lands which are surrounded by or contiguous to agricultural and ancillary activities by reason of topography, soils, and other related characteristics. The subject area's dominant soil type is pahoehoe lava. This soil type is rated low for agricultural activities. Although it is possible that some agricultural activities may be conducted on the subject property, it is determined that approval of the subject request would not be contrary to the objectives of the State Land Use Law and Regulations given the low agricultural potential for the subject area and the above-cited criterion for determining the Agricultural District.

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The proposed use will not adversely affect the surrounding properties and their improvements. The proposed church development will consist of 1 structure in the first phase and 3 additional buildings in 3 subsequent phases and a 63 parking stall area. The subject property is of sufficient size, 2.0 acres, to enable adequate setbacks and buffers to be established. These concerns can be addressed through conditions 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 affecting the character of the area.

The proposed use will not unreasonably burden public agencies to provide roads and other similar infrastructure or services. The current roadway conditions are adequate given the 20-foot wide hard packed cinder surface on 32nd Avenue and 20-foot wide pavement on Paradise Drive. Water supplies, as required by the Department of Health and the Fire Department, will also be required as conditions of approval.

Based on the foregoing findings, it is determined that the proposed church and related uses is an unusual and reasonable use of land within the State Land Use Agricultural district. As such, it is further determined that approval of the subject request would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

Approval of this Special Permit request is subject to the following conditions:

- a. The petitioner, its successors or assigns, shall be responsible for complying with all conditions of approval.
- b. The plans for the church (combination sanctuary/fellowship hall) 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.
- c. Grading and drainage plans meeting the requirements of the Department of Public Works shall be submitted along with plans for Final Plan Approval.
- d. The construction of the church (combination sanctuary/fellowship hall) and parking area shall commence within one year from the receipt of Final "Plan Approval" and be completed within two years thereafter.

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- e. The plans for the 2nd, 3rd, and 4th phases of the church development shall be submitted to the Planning Department for "Plan Approval" review and approval.
- f. All other applicable rules, regulations, and requirements, including those of the State Department of Health and the Fire Department shall be complied with.
- g. Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the Special Permit shall be void.

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

Sincerely,

Barbara A. Koi

Barbara A. Koi
Chairman Pro Tem, Planning Commission

cc: State Land Use Commission
William Greig
Department of Public Works
Department of Water Supply
County Real Property Tax Division

bcc: Plan Approval Section



Planning Commission

STEPHEN K. YAMASHIRO
Mayor

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

CERTIFIED MAIL

January 21, 1993

Pastor Shinri Nishimura
Paradise Park Church of the Nazarene
SR 13519
Keaau, HI 96749

Dear Pastor Nishimura:

Amendment to Special Permit No. 607
Applicant: Paradise Park Church of the Nazarene
Request: Establish Preschool within Existing
Church Facility
TMK: 1-5-17:117 & 118

The Planning Commission at a duly advertised public hearing on January 14, 1993, considered your request for an amendment to Special Permit No. 607 in accordance with Chapter 205-6, Hawaii Revised Statutes, and Rule 6 of the Planning Commission, to allow the establishment of a preschool within the existing church facility. The site is located on the north (makai) side of 32nd Avenue, approximately 2,200 feet east of the Paradise Park-32nd Avenue intersection, Hawaiian Paradise Park Subdivision, Keaau, Puna, Hawaii.

The Commission voted to deny the amendment to Special Permit No. 607 based on the following findings:

Rule 6 of the Planning Commission relating to Special Permits provides the following criteria, in part, which shall be used for the granting of a Special Permit or amendment thereof:

- "(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection.
- "(G) The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans."

The request to allow the establishment of a preschool and day care operation on the subject property will unreasonably burden public agencies to provide roadway improvements. While

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Special Permit No. 607 was granted by the Planning Commission in 1985 to allow the establishment of a church and related facilities on the subject property which is serviced by a substandard roadway, it was done so at a time when the 20-foot wide hard-packed cinder roadway was deemed to be adequate to support the proposed development. More recently, the Commission has consistently determined that access is adequate when provided by asphalt or asphaltic-concrete-surfaced roadways which would accommodate two-way traffic. These minimum requirements have been consistently applied to other proposed developments in which a Special Permit has been requested from the Commission, such as bed and breakfast operations and other developments which would increase traffic beyond residential levels.

Approval of the request would also be contrary to a goal 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 its policy to ". . . encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment." While the County supports the provision of adequate preschool facilities for its residents and commends the applicant for responding to this need, we must balance this need with the ability of an area to support such a use.

A perspective of this denial recommendation is one based on the overall impact to be generated by the existing approved development and the proposed preschool use. According to the applicant, the construction of the remaining three phases of the approved church development will occur over a span of 10 years and is contingent on necessary funding and the **potential growth** of the congregation. The remaining phases will include the construction of a parsonage/administration building, Christian Education Building and a Sanctuary. Special Permit No. 607 does not place limits on the size of the potential development nor the congregation. Current policy of this Department recommends that such non-agricultural/ residential uses be provided with adequate access, namely, two-way paved access. While the approved church use does not conform to current Commission policy regarding access, it is an approved use. However, to approve the proposed preschool use in addition to the approved church use would ignore current Commission policy regarding access and the cumulative impact on area roadways.

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A denial by the Commission of the desired use shall be appealable to the Circuit Court in which the land is situated and shall be made pursuant to the Hawaii Rules of Civil Procedure.

Should there be further questions on this matter, please feel free to contact Rodney Nakano or Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

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xc: State Land Use Commission
Corporation Counsel
Mayor
Planning Director
Plan Approval Section

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