

## County of Hawai'i

### PLANNING COMMISSION

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

April 1, 2009

Mr. Sidney Fuke  
101 Pauahi Street, Suite 212  
Hilo, HI 96720

Dear Mr. Fuke:

Special Permit No. 623

Applicant: The Salvation Army (Kona Corps)

Request: Amendment to Special Permit 623 by

Replacing a Proposed Gymnasium with a Thrift Store

Tax Map Key: 7-5-3-25

The Planning Commission at its duly held public hearing on March 20, 2009, voted to approve the above-referenced request for an amendment to Special Permit No. 623 by replacing a proposed gymnasium with a Thrift Store. Also requested was the deletion of Condition Nos. 5 and 6 related to plan approval and construction deadlines for Phase II. The property is the site of the existing Salvation Army Complex situated between Queen Ka'ahumanu Highway (Highway 19) and Kalani Street, adjacent to and northwest of the Church of Jesus Christ of Latter Day Saints complex, Kailua-Kona, Keopu 3<sup>rd</sup>, North Kona, Hawai'i.

Approval of this request is based on the following:

Special Permit No. 623 was approved by the Planning Commission on August 21, 1986, for the establishment of a church chapel, community and education center and related improvements on 2.7 acres of land. The project was proposed to be completed in two phases. The first phase included the chapel, community and education center, playground, rehabilitation home, officer's residence, parking and associated uses. The second phase was for a gymnasium and parking area. Currently, only the first phase has been completed. The second phase has not commenced due to financial limitations. The applicant states that funding to support its programs will continue to be an increasing

challenge in the future, particularly with respect to the current economic climate. As such, instead of constructing a gymnasium, the applicant is proposing to construct its Thrift Store at the site formerly planned for a gymnasium. The applicant proposes to construct a 10,000-square foot structure with approximately 32 parking stalls in the area initially set aside for the gymnasium and parking area. The applicant intends to operate in the same manner as its existing store at Luhia Street. Currently, the Thrift Store is open from 10 a.m. to 4 p.m. Monday through Saturday with six (6) full-time employees and four (4) volunteers. The proposed store would replace the existing 5,341-square foot store currently located in the Luhia Center in the Kona Industrial Subdivision. The current lease expires in 2010. The relocation of the store to the subject property would result in much needed rental and operational savings. In that regard, the applicant seeks this amendment to Special Permit No. 623 by deleting Condition Nos 5 and 6.

Approval of this request would not be contrary to the General Plan or the Zoning Code or the original reasons for granting the Special Permit. The project site will continue to be used for church and related activities as proposed in the original request. The property is located on lands designated State Land Use Agricultural and zoned A-5a. The General Plan LUPAG Map designates the property as Medium Density Urban. Soils on the property are unclassified by the ALISH map, and the Land Study Bureau's Soil Rating for the property is "E" or "Very Poor" for agricultural activity.

Approval of this request would not be contrary to the original reasons for granting the Special Permit. No active agricultural lands will be taken out of production for the construction of the new Thrift Store, as the proposed use will be established in an area previously planned for the gymnasium. The property is of sufficient size to minimize any physical, social, or other impacts that this proposed new use may have on surrounding properties. The Thrift Store will not interfere with existing activities, as it will be open during daytime hours from Mondays through Saturdays. The applicant will still be required to comply with all conditions within Special Permit No. 623.

The State Department of Land and Natural Resources Historic Preservation Division (DLNR-HPD) has stated that the proposed use will have an effect on a possible historic (burial) site on the property. As such, the applicant has agreed to develop a mitigation plan for the possible burial site (50-HA-D8-82) and submit a Burial Treatment Plan to the DLNR-HPD and Hawai'i Island Burial Council for review and approval prior to the commencement of any land altering activities on the site. New conditions of approval will be included to reflect the DLNR-HPD's recommendations.

Based on the above, the request to amend Special Permit No. 623 would not be contrary to the objectives sought to be accomplished by the State Land Use Law Rules and Regulations or the original reasons for approving this permit. The Planning Director recommends the deletion of Condition Nos. 5 and 6, with additional conditions for the

proposed use. It is also recommended that existing conditions in the permit be revised to reflect the current standard language for conditions of approval. (Material to be deleted is bracketed; material to be added is underscored):

Based on the above, the request to amend Special Permit No. 623 to replace a proposed gymnasium with a Thrift Store is an unusual and reasonable use of land within the State Land Use Agricultural District, and would not be contrary to the objectives sought to be accomplished by the State Land Use Law Rules and Regulations. Approval of this request is subject to the following conditions. Material to be added is underscored; material to be deleted is bracketed and struck through.

- ~~1. — The petitioner, its successors, or assigns, shall be responsible for complying with all conditions of approval.~~
- ~~2. — The plans for the first phase of 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 this Special Permit. The plans submitted for Plan Approval shall comply with the Zoning Code’s minimum parking requirements relative to stall count, dimensional requirements, handicapped and compact stalls.~~
- ~~3. — Construction of the church, parking area and related improvements shall commence within one year from the effective date of final Plan Approval and be completed within two years thereafter.~~
- ~~4. — A landscaping buffer shall be established along the Kuakini Wall side of the property for the purpose of screening the proposed use from the existing residential uses. The width of the landscaping buffer and its location relative to the Kuakini Wall shall be subject to the approval of the Planning Director. This buffer shall be incorporated into the plans submitted for Plan Approval.~~
- ~~5. — The plans for the second phase of the church development shall be submitted for Plan Approval within one year from the date of completion of the first phase.~~
- ~~6. — Construction of the second phase shall commence within one year from the official date of receipt of final Plan Approval and be completed within two years thereafter.~~
- ~~7. — Driveway, grading, and drainage and other improvements required shall comply with the requirements of the Department of Public Works.~~
- ~~8. — All other applicable rules, regulations, and requirements including those of the State Department of Health and Department of Water Supply shall be complied with.~~
- ~~9. — The Planning Director may administratively grant extensions to the foregoing conditions. Further, should the Director determine that any of the conditions have not been met or substantially complied with in a timely fashion, the Director shall initiate procedures to nullify the Special Permit.]~~

1. The petitioner, its successors, or assigns, shall be responsible for complying with all conditions of approval.
2. The applicant shall submit to the Department of Water Supply the anticipated maximum daily water usage calculations as recommended by a registered engineer within one-hundred eighty (180) days from the effective date of the amendment to this permit.
3. Construction of the Thrift Store and related improvements shall be completed within five (5) years from the effective date of this amended permit. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Chapter 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify all existing and/or proposed structures, fire protection measures, parking stalls, and other improvements associated with the proposed use in accordance with the Planning Department's Rule No. 17 (Landscaping Requirements).
4. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to the issuance of a construction permit. The recommended drainage improvements, if any, shall be constructed, meeting with the approval of the Department of Public Works prior to receipt of a Certificate of Occupancy.
5. All development-generated runoff shall be disposed of on-site and not be directed toward any adjacent properties.
6. A Solid Waste Management Plan shall be prepared and submitted for approval to the Department of Environmental Management for review and approval prior to the receipt of Final Plan Approval.
7. Prior to any land clearing activity, the applicant shall develop a mitigation plan for Site 50-HA-D8-82 and any additional sites that may be in the project area.
8. If required, the applicant shall submit a Burial Treatment Plan for Site 50-HA-D8-82 to the DLNR-HPD and Hawai'i Island Burial Council for review and approval.
9. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources - State Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from DLNR-HPD when it finds that sufficient mitigative measures have been taken.

10. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
  
11. An initial extension of time for the performance of Condition No. 3 may be granted by the Planning Director upon the following circumstances:
  - A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, 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.
  - 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).
  - E. If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

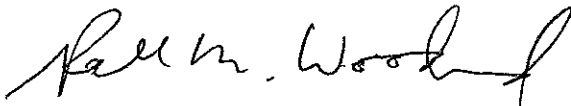
Should any of these conditions not be met or substantially complied with in a timely manner, the Planning Director may initiate procedures to revoke this permit.

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.

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Should you have any questions, please contact Norman Hayashi of the Planning Department at 961-8288, x205.

Sincerely,

A handwritten signature in cursive script that reads "Rell Woodward".

Rell Woodward, 1<sup>st</sup> Vice Chairman  
Planning Commission

Lsalvationarmyspp623PC

cc: The Salvation Army (Kona Corps)  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Planning Department - Kona  
State Land Use Commission  
Department of Land & Natural Resources-HPD  
DOT-Highways, Honolulu  
Mr. Gilbert Bailado ✓

CERTIFIED MAIL

August 21, 1986

Lieutenant Erik Sholin  
The Salvation Army (Kona Corps)  
P. O. Box 247  
Kealahou, HI 96750

Dear Lieutenant Sholin:

Special Permit Application  
TMK: 7-5-03:Portion of 23

The Planning Commission at its duly held public hearing on August 13, 1986, voted to approve your application, Special Permit No. 623, to allow the establishment of a church chapel, community and education center and related improvements on 2.7 acres of land situated within the State Land Use Agricultural District at Kailua-Kona, Keopu 3rd, 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 purpose of the Land Use Law and Regulations is to protect, preserve, and encourage the development of lands in 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 agricultural lands which are surrounded by or contiguous to urban residential areas. The subject area is designated as "E" or "Very Poor" by the Land Study Bureau and the State Department of Agriculture's, Agricultural Lands of Importance to the State of Hawaii (ALISH) map does not classify this area. The property has not been utilized for any agricultural activity. The alignment of the Queen Kaahumanu Highway extension partitioned the original property and placed the subject property on the makai side of the highway. This action placed the property adjacent to and on the fringe of the State Land Use "Urban" district. The subject property's location adjacent to the Lono Kona residential subdivision and the Latter Day Saints Church development, the minor 2.7 acre size reduction of this agricultural inventory and the low productivity soil rating of the land for any agricultural production are factors which will not seriously affect or be detrimental to the agricultural industry of the district or of the County of Hawaii. As such, it is determined that approval of the subject request would not be contrary to

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the objectives of the State Land Use Law and Rules and Regulations given the subject conditions.

The proposed use will not adversely affect the surrounding properties and their improvements. The proposed church/educational center structure will be one story in height. It will consist of approximately 6,763 square feet. The proposed building will be setback approximately 40 feet from the front property line; 20 feet from the rear property line; and 50 feet from the west side property lines. The rehabilitation home will be two stories in height. In addition, a 37 car parking area for the church and a 5 car parking area for the rehabilitation home will be provided with landscaping around the building. The subject property is of sufficient size to enable adequate setbacks and buffers to be established. These concerns can be addressed through conditions of approval and the "Plan Approval" procedure 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 pavement of Kalani street and driveway, drainage, grading and other improvements shall be required to comply with the standards of the Department of Public Works.

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:

1. The petitioner, its successors, or assigns, shall be responsible for complying with all conditions of approval.
2. The plans for the first phase of 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 this Special Permit. The plans submitted for Plan Approval shall comply with the Zoning Code's minimum parking requirements relative to stall count, dimensional requirements, handicapped and compact stalls.



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3. Construction of the church, parking area and related improvements shall commence within one year from the effective date of final Plan Approval and be completed within two years thereafter.
4. A landscaping buffer shall be established along the Kuakini Wall side of the property for the purpose of screening the proposed use from the existing residential uses. The width of the landscaping buffer and its location relative to the Kuakini Wall shall be subject to the approval of the Planning Director. This buffer shall be incorporated into the plans submitted for Plan Approval.
5. The plans for the second phase of the church development shall be submitted for Plan Approval within one year from the date of completion of the first phase.
6. Construction of the second phase shall commence within one year from the official date of receipt of final Plan Approval and be completed within two years thereafter.
7. Driveway, grading, and drainage and other improvements required shall comply with the requirements of the Department of Public Works.
8. All other applicable rules, regulations, and requirements including those of the State Department of Health and Department of Water Supply shall be complied with.
9. The Planning Director may administratively grant extensions to the foregoing conditions. Further, should the Director determine that any of the conditions have not been met or substantially complied with in a timely fashion, the Director shall initiate procedures to nullify the Special Permit.

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

Sincerely,



Barbara A. Koi  
Chairperson, Planning Commission

cc: State Land Use Commission  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Hawaii County Services, Deputy Managing Director's Office

bcc: Plan Approval Section