

Planning Commission

Bernard K. Akana
Mayor

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

CERTIFIED MAIL

February 20, 1990

Lester J. Ishado, Esq.
101 Aupuni Street, Suite 218
Hilo, HI 96720

Dear Mr. Ishado:

Special Permit Application (87-21)
Nichiren Shoshu Soka Gakkai of America
TMK: 2-2-48:94

The Planning Commission at its duly held public hearing on February 8, 1990, voted to approve the above application, Special Permit No. 726, to allow the establishment of a church and related improvements on 3.162 acres of land situated within the State Land Use Agricultural District at the northwest corner of the Makalika Street-Railroad Avenue intersection, Panaewa Farm Lots Subdivision, Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended 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 property is rated E or Very Poor by the Land Study Bureau Overall Productivity system and is designated as "Other Important Agricultural Land" on the ALISH map. Agricultural activity in the area includes macadamia nut and guava orchards and nursery plants. In addition, Nani Mau Gardens is located only 900 feet away. The establishment of a church and related improvements on the property is not anticipated to significantly affect the existing resources of the region nor will it conflict with the goals of the State Land Use Law.

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The desired use is not expected to adversely affect the surrounding properties. Use of the proposed church structure will be conducted entirely on the subject property for limited hours during the week. The building is sited in a manner that is sensitive to the adjacent property to the west. It is felt that the proposed setbacks of 30 feet from Railroad Avenue; 80 feet from Makalika Street; 76 feet from the western property line; and 685 feet from the northern property line are adequate to mitigate visual and noise impacts. Moreover, the applicant will be required to landscape the perimeter of the parking improvements and building in order to provide visual and noise relief to neighboring properties. This permit contains conditions relating to prohibiting day care activities as well as curtailing the book store as an accessory use open for use to the church membership only. At no time is the book store allowed to operate as a commercial retail book store for the general public.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Makalika Street has a 50-foot wide right-of-way with a 16-foot wide pavement and unimproved shoulders. It is felt that the roadway provides adequate access for the projected amount of traffic on Sundays and periodically on weekdays. A condition of approval would require that a 10-foot wide "No Vehicular Access" setback line be depicted on plans for plan approval review and no access would be allowed from Railroad Avenue. The Department of Water Supply had no objections to the subject application inasmuch as there is existing water service to the lot. No other responding agency has any adverse comments to make on the request.

The use will not substantially alter or change the essential character of the land. The building will be used for one morning service and periodic meetings during the week. As mentioned previously, landscaping will be required to blend the proposed improvements with the surrounding area.

The request is not contrary to the General Plan. The building for religious activities will further the goal 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 introduction of other community-oriented uses such as Nani Mau Gardens 900 feet away

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and another church at the beginning of Makalika Street have established a social and physical environment that is unique to this area.

Based on the above considerations, it is determined that the establishment of a church and related improvements is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law Rules and Regulations.

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. The church building shall maintain a minimum 50-foot setback from south (Makalika Street), west, and north property lines. Parking for all functions shall be maintained on the subject property to ensure that on-street parking will not occur on Makalika Street or Railroad Avenue. An overflow parking area shall be provided for on the subject property and shall be delineated on the plans submitted for plan approval. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted. Detailed landscaping plans shall include landscaping buffers in the form of trees and shrubbery along the perimeter of the project including parking as well as landscaping medials within the parking areas. All improvements shall be completed prior to issuance of a certificate of occupancy.
3. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
4. A 10-foot wide "No Vehicular Access" setback within the property fronting Railroad Avenue shall be depicted on plans for plan approval review.

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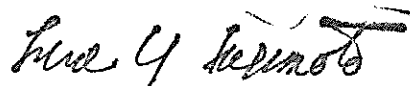
5. Access from Makalika Street shall comply with the requirements of the Department of Public Works, and no access shall be allowed from Railroad Avenue.
6. Preschool or day care activities shall not be permitted.
7. The bookstore shall operate as an accessory use to the church activities and shall not be open to the general public for commercial retail sales.
8. A drainage system in accordance with the requirements of the County Department of Public Works shall be installed.
9. All other applicable laws, rules, regulations, and requirements shall be complied with.
10. 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.
11. 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.

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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,

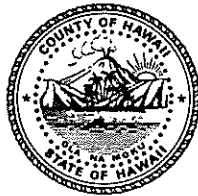


Fred Y. Fujimoto
Chairman, Planning Commission

xc: Nichiren Shoshu Soka Gakkai of America
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission

Bcc: Plan Approval Section

Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615,

CERTIFIED MAIL

February 3, 1995

Mr. Ray Gardner, Project Manager
Summit Architects, Inc.
520 Broadway, Suite 450
Santa Monica, CA 90401

Dear Mr. Gardner:

Special Permit No. 726

Applicant: Soka Gakkai International (89.27)

Request: Time Extension to Commence Construction of a Church

Tax Map Key: 2-2-48:94

The Planning Commission at its duly held public hearing on January 26, 1995, voted to approve the request for an extension of time to commence construction of a church approved by Special Permit No. 726 on approximately 3.162 acres of land within the State Land Use Agricultural District. The project site is on the Hamakua corner of the intersection of Makalika Street and Railroad Avenue, Panaewa Farm Lots, Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

Non-performance of the conditions of approval are the result of conditions that could not have been foreseen or are beyond the control of the applicant and are not the result of its fault or negligence. According to the applicant, unforeseen 'financial hardships' were encountered after obtaining Final Plan Approval in 1991. Over a period of time and in discussion with the Planning Department, the applicant was able to modify architectural plans with the hope of continuing with the project. The applicant intends to proceed with construction as soon as all approvals are received. Therefore, non-performance of the conditions of approval were due to circumstances beyond the control of the applicant.

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A favorable recommendation of the time extension request would not be contrary to the General Plan or Zoning Code or the original reasons for granting of Special Permit No. 726. The goals, policies and standards of the General Plan and Zoning Code have not changed since the granting of this permit in 1990. Similarly, the Land Use Pattern Allocation Guide (LUPAG) Map has not been revised to impact the original reasons for granting the permit. The granting of this time extension would be consistent with the original findings by the Planning Commission.

In consideration of the above, it is recommended that the Condition Nos. 2 and 3 be amended as follows (new material is underscored and material to be deleted is bracketed):

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]. The church building shall maintain a minimum 50-foot setback from south (Makalika Street), west, and north property lines. Parking for all functions shall be maintained on the subject property to ensure that on-street parking will not occur on Makalika Street or Railroad Avenue. An overflow parking area shall be provided for on the subject property and shall be delineated on the plans submitted for plan approval. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted. Detailed landscaping plans shall include landscaping buffers in the form of trees and shrubbery along the perimeter of the project including parking as well as landscaping medials within the parking areas. All improvements shall be completed prior to issuance of a certificate of occupancy.
3. Construction shall [commence within one year from the date of receipt of Final Plan Approval and] be completed (certificate of occupancy) within [two] three years [thereafter] from the effective date of this time extension.
4. A 10-foot wide "No Vehicular Access" setback within the property fronting Railroad Avenue shall be depicted on plans for plan approval review.

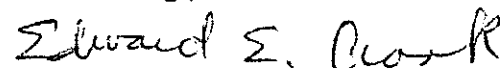
5. Access from Makalika Street shall comply with the requirements of the Department of Public Works, and no access shall be allowed from Railroad Avenue.
6. Preschool or day care activities shall not be permitted.
7. The bookstore shall operate as an accessory use to the church activities and shall not be open to the general public for commercial retail sales.
8. A drainage system in accordance with the requirements of the County Department of Public Works shall be installed.
9. All other applicable laws, rules, regulations, and requirements shall be complied with.
10. 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.
11. 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.

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Should you have any questions, please feel free to contact Connie Kiriu or Daryn Arai of the Planning Department at 961-8288.

Sincerely,


Edward E. Crook, Vice-Chairman
Planning Commission

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xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division-Hilo
State Land Use Commission
Plan Approval Section
Mr. James Y. Kato
Dept. of Human Services-Child Care Licensing