



# Planning Commission

Bernard K. Akana  
Mayor

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

## CERTIFIED MAIL

October 3, 1989

Mr. David M. Selwyn  
P.O. Box 873  
Kealahou, HI 96750

Dear Mr. Selwyn:

**Current TMK: 7-4-07:64**

Special Permit Application (89-10)  
Hawaii United Methodist Union Church  
TMK: 7-4-07:portion of 1

The Planning Commission at its duly held public hearing on September 20, 1989, voted to approve your application, Special Permit No. 716, to allow the establishment for a church and related improvements on 2+ acres of land situated within the State Land Use Agricultural District along the west side of Palani Road, adjacent to and south of the Paniolo Country Club Subdivision, Papaakoko, 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 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 use, but also lands which are surrounded by reason of topography, soils, and other related characteristics. Although the parcel is classified as "Other Important Agricultural Land" on the ALISH Map system, it is also rated "E" by the Land Study Bureau's Productivity Rating system or very poor for agricultural activities. Although it is possible that some agricultural pursuits may be conducted on the subject property, it is determined that approval of the subject

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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 Agricultural District.

The proposed church use is not expected to adversely affect the surrounding properties, provided visual and noise impacts are adequately mitigated. Presently, the nearest residence is located approximately 130 feet to the north. Although there are no dwellings immediately adjacent to the proposed church site, future residential use is likely. Because of potential nuisances (noise) to future residents, a 50-foot setback of the proposed church building from the boundaries of Lot B is recommended. Additional setback requirements have been imposed on other church structures where nearby residences could be affected. This requirement should not be a hardship given the size of the property. Landscaping is also being required within a planting screen easement along Palani Road and around the perimeter of the church site to lessen visual impacts from Palani Road and future neighboring residents. With the imposition of greater setbacks for the church structure and landscaping buffers, it is anticipated that the impacts resulting from the use will not adversely affect surrounding lands nor significantly affect the character of the area. The temporary use of the proposed single family dwelling to be situated on Lot C for small meetings is not anticipated to have a negative impact on neighboring property owners. As this structure is to be temporarily used for small and infrequent meetings, no additional setbacks, parking, or landscaping are proposed for this structure. However, an acceptable archaeological survey and mitigation measures and easement documents shall be required prior to receipt of Final Plan Approval for the properties on which the proposed church and pastor's residence are to be built.

The proposed church use will not unreasonably burden public agencies to provide roads and other similar infrastructure or services. The access to Palani Road is a private driveway approved for an A-1a subdivision. Although the applicant has proposed to widen the existing roadway easement and pavement, the Department of Public Works has stated that reconstruction may be needed to improve sight distance. Therefore, it is recommended that the driveway access be approved by the Department of Public Works in order to ensure adequate sight distance and safe entry and exit from the property. Staff of

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the Department of Public Works has stated that traffic on Palani Road has not yet reached full capacity. It is expected that the proposed use during the hours of maximum church traffic on Sundays will not conflict with the heavy volume of traffic experienced during weekdays. To ensure that church-related traffic not contribute to a deterioration of service on Palani Road, it is recommended that regular church services be limited to weekend and evening hours. Furthermore, it is recommended that no day care or other school activities be conducted on the property. All other necessary services are available to the property.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. In terms of population, the North Kona District has been the fastest growing district on the island. From 1970 to 1980, the population of North Kona has increased by 187 percent. As such, the proposed use will help to meet the spiritual needs of the expanding population in this area. Another church has been granted a Special Permit (LUC 549) to construct a church across Palani Road to the north.

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."

Based on the foregoing findings, it is determined that the establishment of a church and related improvements and temporary meeting use of a single family dwelling is an unusual and reasonable use of land within the State Land Use Agricultural District and would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

Approval of this 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. Final Plan Approval for a church structure and related improvements on Lot B and a single family dwelling on Lot C shall be secured 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 for Lot B shall identify structures, landscaping, and parking stalls associated with the church use. Plans for the church shall comply with the minimum setbacks for an agriculturally zoned district. Detailed landscaping plans shall include landscaping buffers in the form of trees and shrubbery along the perimeter of Lot B. Plans shall show a minimum 20-foot wide paved driveway within a minimum 24-foot wide easement to the entrance of the church parking lot. Paved parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted. Parking for all church functions shall be maintained on Lot B.

3. Construction of the church and dwelling shall commence (building permit) within one year from the date of receipt of Final Plan Approval and be completed (occupancy permit) within two years thereafter. The meeting room within the single family dwelling shall comply with Building Code requirements for an assembly area, if applicable.
4. Prior to submittal of plans for Plan Approval review, an archaeological reconnaissance survey shall be submitted and approved by the Planning Department in consultation with the Department of Land and Natural Resources - Historic Sites Section.
5. Prior to receipt of Final Plan Approval, the applicant shall submit a copy of the recorded document granting a minimum 24-foot wide roadway easement across Lots A, B, C, and D from Palani Road to the entrance of the church parking lot for the use of the church situated on Lot B.
6. Driveway access to the property, including the intersection with Palani Road, shall meet with the approval of the Department of Public Works.
7. Preschool or day care activities shall not be permitted.
8. Use of the dwelling on Lot C for church-related meetings of up to ten persons, no more frequently than once a week, shall be permitted until the occupancy permit has been issued for the church on Lot B. At that time, the meeting use shall be terminated on Lot C.

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9. Regular church services shall not be held during peak traffic hours between 7 a.m. and 6 p.m., Monday through Friday.
10. Comply with all other applicable laws, rules, regulations, and requirements, including those of the Department of Health and the Department of Public Works.
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 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 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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Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,

  
Gary Mizuno  
Chairman, Planning Commission

xc: Mr. Luke Achay  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Planning Office - Kona  
State Land Use Commission  
Reverend Bob Wicherts

bcc: Plan Approval Section