



Planning Commission

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

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

June 25, 1992

David Harris Hart, AIA
Daniel, Mann, Johnson & Mendenhall, Hawaii
Central Pacific Plaza, Suite 1570
220 South King Street
Honolulu, HI 96813

Dear Mr. Hart:

Use Permit Application (UP 92-4)
Applicant: Daniel, Mann, Johnson & Mendenhall, Hawaii
Request: Church Use and Related Improvements
Tax Map Key: 6-5-04:33

The Planning Commission at its duly held public hearing on June 18, 1992, voted to approve your application, Use Permit No. 103, to allow the establishment of a church and related improvements on 4.60 acres of land situated within the County's Agricultural-1 acre (A-1a) zoned district. The property is situated approximately 700 feet from the Lindsey Road-Kapiolani Road intersection on the north side of Kapiolani Road, Waimea Homesteads, South Kohala, Hawaii.

Approval of this request is based on the following:

The proposed church use would be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the County General Plan. The establishment of a church and related improvements in the County's Agricultural and the State Land Use Urban District may be allowed through the granting of a Use Permit. The General Plan designates the area for Medium Density Urban uses. Such a designation may allow for village and neighborhood commercial uses and residential and its related functions. This proposed use also conforms to a goal of the Land Use Element of the General Plan which states: "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County." The proposed use would support the development of community-oriented

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facilities for the neighborhood and would enhance the community's character by supporting and providing needed community services.

The granting of the proposed use will not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties. The property presently has two existing single-family dwellings on the lot which will be retained and used as missionary housing. The adjacent properties are in single family residential use or vacant. To minimize noise and visual impacts to neighboring residences, a minimum 50-foot structural setback is being imposed along all side and rear property lines with provisions for landscaping. In the past, this 50-foot setback has been imposed on other church structures where nearby residences could be affected. The minimum setback requirement and landscaping should provide an efficient buffer from noise or visual impacts that may be generated by the proposed church. It will also accommodate for future increases in residential density in areas immediately surrounding the subject property. To ensure that such impact is minimized and the residential/agricultural character of the area be maintained, it is recommended that these be included as conditions of approval.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. The proposed church facilities will replace an existing meeting house located in Waimea. The services offered by the church will supplement existing religious services and needs in the region.

The granting of the proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure. Access to the subject property from Mamalahoa Highway is via Lindsey Road, which has a 60-foot right-of way with a 16-foot wide pavement. Access from Lindsey Road to the project site is via Kapiolani Road, a County road which has a 40-foot right-of-way with a 19-foot wide pavement. A draft Traffic Impact Analysis Report (TIAR) submitted by the applicant has been reviewed by the Department of Public Works and the Planning Director. The traffic assessment concludes that traffic volumes on Kawaihae-Waimea Road will increase by less than one percent during the weekday 24-hour period, weekday

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AM peak hour and weekday PM peak hour. The report also states that since Sunday traffic volumes are lower than average weekday, Kawaihae-Waimea Road should adequately accommodate the Sunday peak hour demand. The Department of Public Works has reviewed the TIAR and determined that the proposed use of the church on Sundays and during the specified hours on weekdays should not have an adverse impact on traffic patterns in the area.

All other necessary services are available or will be available to the property. With the fulfillment of all requirements specified by affected agencies, the proposed use is not anticipated to have an adverse impact on infrastructure in the area. The use is consistent with the Land Use Policy of the General Plan to "Promote and encourage the rehabilitation and use of urban and rural areas which are served by basic community facilities and utilities."

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 for the proposed church and related improvements 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. Plans shall identify all structures, interior driveway circulation, fire protection measures, and paved parking stalls associated with the proposed church. Plans shall indicate a minimum 50-foot structural setback from all side and rear property lines. Plans shall also show detailed landscaping for the church buildings and parking area to create a visual and noise buffer area between existing and future residential properties. The applicant shall maintain parking for all church functions on the subject property. Parking shall comply with the requirements of Chapter 25 (Zoning Code).
3. Construction of the church and related improvements shall commence within one year from the date of receipt of Final

Plan Approval and shall be completed within two years thereafter.

4. Driveway access from Kapiolani Road shall comply with the requirements of the Department of Public Works.
5. A 5-foot wide road widening strip along Kapiolani Road shall be delineated on the plans submitted for plan approval review. No structural improvements shall be allowed within this road widening strip, provided, however, any required landscaping may be permitted within this strip. Further, applicable setbacks shall be taken from the 5-foot future road widening strip line.
6. All other applicable laws, rules, regulations, and requirements shall be complied with, including those of the Department of Health and the Fire Department.
7. Preschool or day-care activities shall not be permitted.
8. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
9. 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.
10. 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

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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 shall 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.

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

Sincerely,



Mike Luce, Chairman
Planning Commission

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jdk

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
DLNR
Mayor
Planning Director
Plan Approval Section