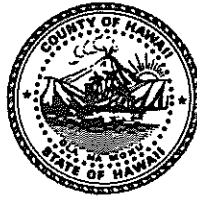


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
P 364 320 021

January 4, 1995

Mr. Ali Ghalamfarsa
Ali'i Architects, Inc.
74-5565 Luhia Street, Suite F
Kailua-Kona, HI 96740

Dear Mr. Ghalamfarsa:

Use Permit Application (USE 95-10)
Applicant: Solid Rock Ministries Assembly of God, Inc.
Request: Establishment of Church and Related Improvements
Tax Map Key: 7-3-51:46

The Planning Commission at its duly held public hearing on December 13, 1995, voted to approve the above-referenced application. Use Permit No. 141 is hereby issued to allow the establishment of a church facility and related improvements within the existing Kanalani Plaza situated within the Limited Industrial (ML-1a) zoned district. The property is located in the Kaloko Light Industrial Subdivision Unit I at the corner of Kanalani Street and Lawehana Street at Kaloko, North Kona, Hawaii.

Approval of this request is based on the following:

In considering a Use Permit for any proposed use, Rule 7 of the Planning Commission relating to Use Permits require that such action conform to the following guidelines:

- (A) The granting of the proposed use will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan.
- (B) 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 surrounding properties.
- (C) The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region.

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- (D) The granting of the proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure.

The proposed use will 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 on a parcel located within the State Land Use Urban District and the County's Limited Industrial - 1 acre (ML-1a) zoned district may be permitted through the Use Permit review process. The Use Permit process provides an avenue to review and analyze a proposed project on a case-by-case basis relative to infrastructure and impacts on surrounding properties and existing uses as well as the General Plan goals and policies. The intent and purpose of the Zoning Code is to promote health, safety, morals or the general welfare of the community through regulations and restrictions relative to the location and use of buildings, off-street parking, the percentage of lots that may be occupied, the density of population and land for trade, industry, residence or other purposes. The proposed assembly area for the church is approximately 6,240 square feet in size. The minimum off-street parking requirement for assembly halls without fixed seats is one stall per 100 square feet of gross floor area plus one stall per employee. The proposed church would require a minimum of 62 off-street parking stalls plus one for each employee. There are presently 34 off-street parking stalls. The only other tenant in the building is a furniture warehouse consisting of approximately 4,680 square feet. The minimum required parking for this tenant is 8 stalls (5 stalls for the warehouse and 3 stalls for employees). Based on conceptual figures, a minimum of 70 stalls would be required for the proposed church and the furniture warehouse. There are presently 34 stalls on the property. The applicant has received permission from Olinda Country Estates, Inc., owner of Kona Trade Center (TMK: 7-3-51:10) to use their parking lot for up to 40 cars, weekly on Wednesday nights and Sundays all day. With a signed agreement, the applicant would have the required parking spaces needed to accommodate the proposed church uses.

The subject property is situated within the Industrial area of the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. Mindful of the type of service the applicant will provide to the residents of West Hawaii, the proposed use will complement the following goals, policies and standards of the Land Use Elements of the General Plan:

- o Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural and physical environments of the County.
- o The County shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

The Kona Regional Plan designates the area as Industrial. This Plan, adopted by the Planning Commission in 1984, intended to provide short and middle range implementation strategies for the goals, policies and land use pattern presented in the General Plan. The property is located within the Kaloko Light Industrial Subdivision, which consists of numerous light industrial and related activities. Furthermore, the proposed facility will be located in an area that is centrally located, convenient and easily accessible by users. Therefore, the approval of the subject request would be consistent with the policy direction established by the General Plan.

The desired use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or surrounding properties. The proposed church will be located within an existing warehouse. Therefore, the facility will not detract from the present character of the area. Due to the noise and traffic inherent to the activities permitted within this zoned district, it is not anticipated that noise and traffic associated with the proposed use will adversely impact surrounding properties. It is the applicant's intent to construct the proposed facility in a manner which would control all sounds emanating from the church. Due to the developed nature of the subject property and the immediate surrounding areas, it is not anticipated that endangered or threatened candidate species of flora or fauna are located within the project site, nor has the area been identified as a significant botanical or biological habitat.

The proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. Ordinance No. 95-80 amended Chapter 25 (Zoning Code) to allow churches and similar institutions to apply for a Use Permit in the Limited Industrial (ML) zoned district. These institutions have changed over the years in their locational service to immediate communities. A church's membership can now easily travel to church rather than the church having to locate to its membership. Through the use permit process, potential impacts to the built environment and its infrastructure can be evaluated on a case-by-case basis. In this case, the proposed church will not be incompatible with the existing mixed uses of active commercial and industrial activities.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure. The project site is located within an area adequately served with essential services and facilities such as water, transportation systems and other utilities.

Approval of this request is subject to the following conditions:

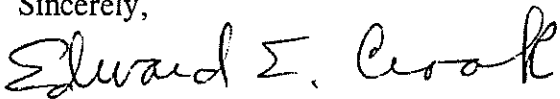
1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of the permit.
3. A building permit(s) shall be secured from the Department of Public Works for the conversion of portions of the warehouse facility into a church with related uses.
4. Conversion of the warehouse facility into a church and related uses shall be completed within two (2) years from the effective date of this permit. Prior to the start of construction, Final Plan Approval for the proposed improvements shall be secured from the Planning Department in accordance with Chapter 25-243 of the Zoning Code. Plans shall identify the proposed structures, vehicular traffic, paved driveway access and parking stalls associated with the proposed use. Concurrently with the submittal of plans, the applicant shall submit proper documentation confirming the provision of additional parking area(s) on lands beyond the project site to accommodate the approved church use.

5. The church and related activities shall be limited to Sundays and from 7:00 p.m. to 9:00 p.m. during the mid-week service.
6. Pre-school or day care activities shall not be allowed on the subject property..
7. 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.
 - 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).
8. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Planning 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.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Edward E. Crook, Chairman
Planning Commission

AK:syw
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cc: Honorable Stephen K. Yamashiro, Mayor
Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
Pastor James P. Texeira