



## County of Hawai'i

### WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
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SEP 17 2014

Sidney M. Fuke, Planning Consultant  
100 Pauahi Street, Suite 212  
Hilo, HI 96720

Dear Mr. Fuke:

Use Permit Application (USE 14-000050)

Applicant: Sure Foundation

Request: Use Permit to Establish a Church and Related Facilities on a 2.175-Acre Property

Tax Map Key: 2-3-036:022

The Windward Planning Commission, at its duly held public hearing on September 4, 2014, voted to approve the above-referenced request to allow the establishment of a church and related facilities and improvements on 2.175 acres of land zoned Agricultural – 1 acre (A-1a) and situated within the State Land Use Urban district. The property is located along the northwest side of Ponahawai Street, immediately adjacent to and east (makai) of The Church of Jesus Christ of Latter-Day Saints, Ponahawai, South Hilo, Hawai'i.

Approval of this permit 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. Prior to the issuance of a water commitment by the Department of Water Supply, the applicant shall submit the anticipated maximum daily water usage calculations for the proposed improvements prepared by a professional engineer in the State of

Hawai'i, for review and approval, and a water commitment deposit in accordance with the "Water Commitment Guidelines Policy" to the Department of Water Supply within one hundred and eighty days from the effective date of this permit.

3. The applicants shall install a reduced pressure type backflow prevention assembly within five (5) feet of the existing water meter and any additional water meters on private property, which must be inspected and approved by the Department of Water Supply.
4. Construction of the proposed development shall be completed within five (5) years from the effective date of this 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 Section 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code. Plans shall identify all proposed structures, paved driveway accesses and parking stalls associated with the proposed development. Landscaping shall be included on the plans to mitigate any potential adverse noise or visual impacts to adjacent properties in accordance with the Planning Department's Rule No. 17 (Landscaping Requirements). All buffer yard landscaping shall conform to the standards for separation of a residential (RS) zoning district from a commercial (CN) zoning district as provided for in Planning Department Rule No. 17.
5. All driveway connections to Ponahawai Street shall conform to Chapter 22, Streets and Sidewalks, of the Hawaii County Code. If two accesses are permitted by the Department of Public Works to the subject property, the applicant shall revise the subdivision final plat map (SUB 07-000559) to reflect the permitted changes to the access points.
6. A drainage study of the subject property, if required, shall be prepared and submitted to the Department of Public Works for review and approval, prior to submittal of plans for Plan Approval review. Drainage improvements, if required, shall be constructed, meeting with the approval of the Department of Public Works prior to the issuance of a Certificate of Occupancy.
7. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.

8. Septic tank(s) shall be installed, meeting with the standards and requirements of the State Department of Health, prior to the issuance of a Certificate of Occupancy. The applicant shall abandon the septic system and connect to the County sewer line along Ponahawai Street when it becomes available.
9. 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 issuance of a Certificate of Occupancy.
10. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigative measures have been taken.
11. The applicant shall comply with all other applicable laws, rules, regulations and requirements of affected agencies for the proposed project.
12. An initial 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).
13. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke this 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.

Approval of this permit is based on the reasons given in the attached Findings Report.

Should you have any questions, please contact Daryn Arai of the Planning Department at 961-8142.

Sincerely,



Myles Miyasato, Chairman  
Windward Planning Commission

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Enclosure: PC Findings Report

cc: Sure Foundation – Hilo  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State DLNR-HPD  
Plan Approval Section  
Mr. Gilbert Bailado

## COUNTY OF HAWAI'I PLANNING COMMISSION FINDINGS

### **SURE FOUNDATION USE PERMIT APPLICATION (USE 14-000050)**

The applicant is requesting a Use Permit to allow the construction of a church and related facilities and improvements on 2.175 acres of land. There will be three (3) services on Sunday mornings, offices, classes, and fellowship. During the week, there may be some classes beginning at 7:00 p.m., which will consist of between 20 and 40 persons. Currently, the applicant has its office and conducts services at a space in the Prince Kuhio Shopping Center. The proposed request includes a 2-story building consisting of approximately 22,150 square feet, two driveway accesses, one of which would be for "in" only and the other would be for "out" only (if approved by DPW), 161 parking stalls, of which 5 would be handicapped stalls and landscaping.

The project is anticipated to cost approximately 1.1 million dollars. The applicant hopes to begin the project early next year and complete by the end of 2015 or the beginning of 2016.

The reason for the request is that the membership at the church's current location in the Prince Kuhio Shopping Center has grown and now requires the need to relocate to a larger facility. The applicant purchased the property in 2008 in anticipation of eventually relocating its sanctuary, office and activities to the subject site.

Rule 7 (Use Permits), Section 7-6, of the Planning Commission's Rules of Practice and Procedure states that the Planning Commission may approve a Use Permit upon finding that:

- a) The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan;
- b) The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties; and
- c) The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

**The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan.** The establishment of a church on the property is consistent with the purpose of the Zoning Code because churches can be permitted in the A-1a zoning district and the State Land Use Urban district through the issuance of a Use Permit from the Planning Commission.

The Use Permit process provides an avenue to review projects on a case-by-case basis to determine infrastructure needs and identify and address impacts on surrounding properties and existing uses. The church will be developed in compliance with Zoning Code regulations related to building height, yard setbacks, off-street parking and landscaping. Additionally, a church is considered a community use that will enhance the religious and charitable services of the community. The church will offer regular spiritual services, classes and guidance to the surrounding community.

The General Plan is intended to be used as a policy guide for the coordinated growth and development of all sectors of the County. It sets forth goals, policies, standards and courses of action to accommodate growth without congestion, to designate and preserve the lands needed

for residential use, commercial and visitor services, industry, agriculture and open space, and to coordinate these uses with the County's service and circulation systems. The overall goals, policies and standards are set forth to physically plan the lands in the County in the best interest of the island's residents. The proposed request is consistent with the following goals and policies of the Land Use Element of the General Plan:

LAND USE – GENERAL

- Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
  
- Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.
  
- Encourage urban development within existing zoned areas already served by basic infrastructure, or close to such areas, instead of scattered development.

In order to create an effective land use pattern, zoning districts and their associated uses should closely correspond to the General Plan Land Use Pattern Allocation Guide (LUPAG) map for the area. The LUPAG Map is a graphic representation of the General Plan's goals and policies to guide the coordinated growth and development of the County. The subject property is currently designated Medium Density Urban on the LUPAG Map. The Medium Density Urban designation allows for village and neighborhood commercial and single family and multiple family residential and related functions (multiple-family residential -- up to 35 units per acre). The proposed church facility will be consistent with and supportive of uses allowed within the medium density urban designation. Thus, the proposed use is consistent with the General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation for the property.

Therefore, based on the above the granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County 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 project site is a 2.175-acre property located on Ponahawai Street makai of Komohana Street. The property is currently vacant of uses and structures. The property was previously used for sugar cane cultivation and as a nursery. The proposed request, if approved, will allow the development of a church and related improvements on the subject property.

The adjacent property to the west is zoned A-1a and is the location of the Church of Jesus Christ of Latter-Day Saints, which was approved by Use Permit No. 199 on April 2, 2004. The adjacent property to the east is zoned A-1a and consists of a dwelling and ag structures. The property to the south across Ponohawai Street is zoned A-1a and CN-20, and is currently vacant. The properties to the north are zoned Open and RS-7.5, and are the site of the Veteran's Cemetery. The Ka Waena Lapaau Medical Center and other medical complexes and offices are located approximately 1,500 feet mauka of the project site at the corner of Komohana Street and Ponahawai Street, which is zoned CN-20. This general area along Ponohawai Street has been transitioning into an area consisting of multiple-family apartments, medical offices, commercial uses and churches.

The proposed church complex will meet the minimum required yard setbacks of 30 feet from the front and rear property lines and 20 feet from its side property lines. Additionally, the applicant will be required to put in landscaping through the Plan Approval process to further minimize any adverse noise and visual impacts that may be generated by the proposed request. All buffer yard landscaping shall conform to the standards for separation of a residential (RS) zoning district from a commercial (CN) zoning district as provided for in Planning Department Rule No. 17 to further minimize impacts. Most of the proposed activities will occur during off-peak traffic periods and the applicant will be providing sufficient on-site parking. Lastly, the Planning Department has not received objections from the surrounding community regarding the proposed request. Based on the above discussion, no significant adverse impact to surrounding properties is expected.

**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.** Access to the project site is from Ponahawai Street, a County owned and maintained right-of-way approximately 60-feet wide with a pavement width of 24 feet, in good condition. The applicant is proposing to have two driveway accesses, one of which would be for "in" only and the other would be for "out" only. Currently, there is only one permitted access, which is situated on the eastern boundary of the property. The applicant is proposing that if the dual access points are approved, they will amend the subdivision plat map to reflect the two access points. The Department of Public Works commented that they are amenable to the proposal of the two accesses as described within the application.

There is an 8-inch waterline along Ponahawai Street fronting the subject property and the property is serviced by at 1-½-inch meter. There is a fire hydrant less than 150 feet from the subject property. Recently, a fire flow test was conducted in this area for another application at which time the County Fire Department concurred that the existing system was sufficient to meet fire-flow requirements. This same fire-flow test could be applied to this proposed church through the coordination between the Department of Water Supply and the Fire Department.

The property is currently not serviced by the County sewer system. According to the applicant, wastewater will be disposed of by a private septic system unless the County sewer line is extended to serve the property. All other utilities are available to the site. Police and fire stations are in close proximity to the property. Hilo Medical Center is located less than one mile from the site.

Therefore, based on the above discussion, the proposed request 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 subject request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management Area.** The property is not located within the Special Management Area and is approximately 4,000 feet from the nearest coastline. There is no record of a designated public access to the shoreline or mountain areas traversing the property. Due to the project site's distance from the shoreline, the property will not impact any coastal recreational resources, scenic and open space or visual resources, ecosystems and marine resources.

According to the Flood Insurance Rate Map (FIRM), the subject property is located in Zone "X", area outside of the 500-year flood plain. There are no valued cultural, historical or natural resources on the property and there is no evidence of any traditional and customary

Native Hawaiian rights being practiced on the site. Thus, it is not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject properties. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies

Based on the above considerations, the construction of a church and related improvements is approved.