Stephen K. Yamashiro
*Mayor*

# County of Hawaii

## PLANNING COMMISSION

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CERTIFIED MAIL

September 8, 1993

Ms. Michelle Higa, Board Member
Aloha Missions, Inc. dba Haumana
Christian School
PO Box 430
Keaau, HI 96749

Dear Ms. Higa:

Use Permit No. 54
Applicant: Aloha Missions, Inc. dba Haumana Christian School
Request: Amend Condition No. 4 (Pre-school/Daycare Activities) of Use Permit No. 54 (issued to Chong Reiten)
Tax Map Key: 1-7-16:41 (Hilo Korean Christian Church)

The Planning Commission at its duly held public hearing on August 26, 1993, voted to approve the above-referenced request to amend Use Permit No. 54, issued to Chong Reiten, which allowed the establishment of an educational facility at the Hilo Korean Christian Church. The property is located on the west (Hamakua) side of the Volcano Highway in the vicinity of the Keaau Agricultural Lots Subdivision, Keaau, Puna, Hawaii.

Approval of the amendment based on the following:

The granting of this request 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 an educational facility on a parcel located within the State Land Use Urban District and the County's Single Family Residential-zoned district may be permitted through the granting of a Use Permit. The site is located within an area designated for Low Density Urban uses by the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The General Plan LUPAG Map designation of Low Density Urban would allow for uses which are single family residential in character, ancillary community and public uses, and convenience-type commercial uses. The proposed

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use would therefore be consistent with the Low Density Urban designation. Mindful of the type of service the applicant will provide to area residents, the proposed use will complement the Land Use Element of the General Plan to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and to ". . . . encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment."

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 use will utilize existing facilities provided by the Hilo Korean Christian Church during weekday hours from 7:30 a.m. to 3:30 p.m. The use of the existing church facilities during these hours would not conflict with the single family residential uses which existing in the immediate vicinity of the subject property or the single family residential character of the area by limiting the proposed use to working hours. To accommodate possible extracurricular activities which may occur at the facility, operation of the educational facility will be limited to the hours from 7:00 a.m. to 6:30 p.m., weekdays. To further ensure that surrounding properties are not impacted by the proposed use, it is recommended that an explicit restriction of evening activities related to the educational facility use and a monitoring of complaints and its disposition be included within the conditions of approval. Plans submitted by the applicant indicates a play area between the existing paved parking area and the Volcano Highway. To ensure that activities within this play area does not have any adverse noise or visual impact to adjoining residential areas, it is recommended that additional landscaping adjoining this play area be provided along the property's and northern and southern property boundaries.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. A Use Permit has never been granted by the Planning Commission for a similar use within this portion of Puna. As stated by the applicant, the proposed educational facility was previously located at the Henry Opukahaia Campus in Keaau until its recent closing. The applicant is in the process of relocating its program to other facilities, such as the Trinity Community Church site. Therefore, granting of this Use Permit would simply allow the applicant to relocate an existing educational program which has not previously demonstrated any adverse impact to similar uses within the region.

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. Water is available to the subject property. Primary access to the project site is via the Volcano Highway, which has a pavement width of 24 feet with 8- to 10-foot wide gravel shoulders within an 80-foot wide right-of-way. The Department of Transportation, which has no objections to the request, has recommended that the applicant provide guardrails, if necessary, and a loading/unloading area within the project site. As recommended by the Department of Transportation, an appropriate student loading/unloading area shall be designated on plans submitted for Plan Approval review. We also recommend that guardrails, if required, be installed prior to the establishment of the educational facility. Traffic generated by the proposed use during the morning peak traffic hours should not adversely impact the Hilo-bound traffic flow. The limited number of students to be accommodated by the educational facility should not further degrade the existing traffic flow within the area. Therefore, it is recommended that the proposed educational facility be limited to a maximum of 30 students. Wastewater will be disposed of in a manner meeting with the approval of the Department of Health. All other utilities or facilities are or will be made available to support the proposed use.

Approval of this amendment is subject to the following conditions (deleted material is bracketed, new material is underscored):

1. The petitioner, successors or its assigns shall comply with all of the stated conditions of approval.

2. [Plans for the proposed church facility, including parking and detailed landscaping plans, shall be submitted for Plan Approval review within one year from the effective date of this Permit. Further, the p]<u>P</u>arking for all [of the church] functions <u>related to the church and educational facility</u> shall be maintained on the subject property, to ensure that on-street parking will not occur on the Volcano Highway. An overflow parking area should be provided for on the subject property and shall be delineated on the plans submitted for plan approval. [The detailed landscaping plan shall include landscaping buffers in the form of trees and shrubbery along the property lines, as well as landscaping medials within the parking areas.]

<u>3. Final Plan Approval of the educational facility shall be secured from the Planning Director. Plans shall identify</u>

existing structures, play area, student loading/unloading area, parking stalls associated with the proposed use and landscaping along the property's northern and southern and western property boundaries in the immediate vicinity of the play area. Parking shall comply with the requirements of Chapter 25 (Zoning Code). Landscaping shall be provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties which may be generated by the proposed play area. Landscaping shall be provided to the extent that a continuous, unbroken, heavy planting screen, no less than 6 feet in height, is established prior to the issuance of a certificate of occupancy.

[3. Construction of the proposed church and related improvements shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.]

4. [Preschool or day-care types of activities shall not be allowed.] The educational facility shall be established (certificate of occupancy) within two (2) years from the effective date of this amendment.

5. Access to the property from the Volcano Highway shall meet with the approval of the State Department of Transportation, Highways Division.

6. An on-site drainage system shall be installed meeting with the approval of the Department of Public Works.

7. If required, the applicant shall install guardrails along the subject property's Volcano Highway frontage in a manner meeting with the approval of the Department of Transportation, prior to commencing operation of the proposed educational facility.

8. The educational facility shall be limited to the operational hours from 7:00 a.m. to 6:30 p.m., weekdays. Evening activities related to the educational facility shall be prohibited.

9. The educational facility shall be limited to a maximum of 30 students.

[7]10. All other applicable County and State laws, rules, regulations and requirements, including those of the Department of Health, Department of Public

Works-Building Division and the Fire Department, shall be complied with.

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, and a detailed listing of public complaints or problems and their disposition. If the applicant fails to comply with the conditions of approval or is unable to resolve any public complaint(s), the Planning Director shall investigate and, if necessary, enforce the appropriate conditions. The Planning Director may, as part of any enforcement action or remedial effort, refer the matter to the Planning Commission for review. Upon appropriate findings by the Planning Commission that the applicant has failed to comply with the conditions of approval or has caused an unreasonable adverse impact on surrounding properties, the permit may be suspended or revoked. 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.

[8]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; 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 Planning Director [may] shall initiate procedures to [nullify] 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 Rodney Nakano or Daryn Arai of the Planning Department at 961-8288.

Sincerely,

Donald L. Manalili, Chairman
Planning Commission

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xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Pastor Seung Lee
Department of Public Works
Department of Water Supply
Department of Transportation - Highways
Department of Health
Fire Department
County Real Property Tax - Hilo
Plan Approval Section