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

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

January 2, 1991

Mr. Bob Lindsey
Kamehameha Schools/B. P. Bishop Estate
78-6831 Alii Drive, Suite 232
Kailua-Kona, HI 96740

Dear Mr. Lindsey:

Use Permit Application
Tax Map Key: 8-1-03:Portion of 17

The Planning Commission at its duly held public hearing on December 21, 1990, voted to approve your application, Use Permit No. 78, to allow the establishment of the Kamehameha Schools Early Education Division program within an existing building and related improvements on a portion of a total 4.17 acres of land situated in the Village Commercial - 10,000 (CV-10) square foot zoned district in Kealakekua Village, Keekee-Ilikahi, South Kona, Hawaii.

Approval of this request is based on the following:

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. The establishment of a preschool on a property designated "Urban" by the State Land Use Commission and situated within the County's Village Commercial-10,000 square foot (CV-10) zoned district may be permitted through the granting of a Use Permit. The Land Use Element of the General Plan states as a goal to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County." The granting of this request will still maintain the present environment of this area of Kona. The property is located within the commercial core of Kealakekua and establishing the proposed preschool at this site would provide an essential and convenient service to those employed within or outside of the

Kealakekua area. Therefore, the granting of this request would also be in the direction of fulfilling a policy of the General Plan in which "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 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 applicant wishes to utilize existing commercial facilities to temporarily accommodate the preschool for a period of two to three years. The location of the preschool within an existing office/retail complex, the number of children that would be accommodated by this service, and the temporary nature of the development would preclude any major impact to surrounding commercial and residential properties or the rural-residential character of this community.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. While other preschools are located within the general area, the limited nature of the proposed activity and the known demand for such services would preclude any adverse effects to these existing services. There are no preschools within the area or region that have been approved through the issuance of a use permit or special permit.

The small scale of this development will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure. The property is provided with all essential utilities and services. Access to the site is from Mamalahoa Highway which has a pavement width of approximately 22 feet within a 60-foot right-of-way. The applicant will be required to designate an on-site location for loading/unloading purposes on plans to be submitted for plan approval review.

Approval of this request is subject to the following conditions:

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

2. Final Plan Approval for the proposed preschool and related improvements shall be secured from the Planning Department within one year from the effective date of the permit. Plans shall identify on-site parking and drop-off area. 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.

3. Building permit(s) for the conversion of a portion of the office/retail complex to allow a change in occupancy to preschool use shall be secured within one year from the date of receipt of Final Plan Approval and be completed (certificate of occupancy) within one year thereafter.

4. Access shall meet with the approval of the Department of Public Works.

5. The preschool will be restricted to no more than twenty (20) children. The hours of operation shall be between 7:30 a.m. and 2:30 p.m., Monday through Friday.

6. This Use Permit shall be valid for a period not to exceed three years from the effective date of the permit.

7. Comply with all other applicable laws, rules, regulations, and requirements.

8. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permits. 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.

8. An extension of time for the performance of conditions within the permit, including Condition No. 6, may be granted by the Planning Director upon the following circumstances: 1) the non-performance is the result of

conditions that could not have been foreseen or are beyond the control of the applicants, 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 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,

Fred Y. Fujimoto

Fred Y. Fujimoto
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
Department of Human Services

bcc: Plan Approval Section