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

OCT 1 1 1994

Ms. Dani Oertel, Principal
Haumana Christian School
100 Kamakahonu Street
Hilo, HI 96720

Dear Ms. Oertel:

Use Permit Application (USE 94-8)
Applicant: Aloha Missions, Inc., dba Haumana Christian School
Request: Establish an educational facility at the existing Hilo Boys and Girls Club
Tax Map Key: 2-3-20:1

The Planning Commission at its duly held public hearing on September 22, 1994, voted to approve the above-referenced application. Use Permit No. 128 is hereby issued to establish an educational facility at the Hilo Boys & Girls Club. The property is located on the mauka side of Kamakahonu Street approximately 100 feet from its intersection with Haili Street, Ponahawai, South Hilo, Hawaii.

Approval of this request is 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 within an area designated for Single Family Residential-7,500 square feet (RS-7.5) by the Hilo Community Development Plan and Medium Density Urban by the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The General Plan LUPAG Map designation of Medium Density Urban would allow for uses which are village and neighborhood commercial and residential in character. The proposed use would be consistent with the Medium Density Urban designation. Mindful of the type of service the applicant will provide to area residents, the

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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 Boys and Girls Club during weekday hours from 7:30 a.m. to 3:30 p.m. The use of the existing facilities during these hours would not conflict with the existing use of the property nor with the single family and multiple family residential uses which surround the subject property or the character of the area by limiting the proposed use to working hours. Hilo Boys and Girls Club has functioned as a youth center during non-school hours and days and will continue to do so. The proposed school is scheduled to be in operation during "normal" school hours, when the Hilo Boys and Girls Club is infrequently used.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. The proposed educational facility was previously located at the Henry Opukahaia Campus in Keaau and until its recent closing at the Trinity Community Church, a site previously granted a Use Permit by this Commission. 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 Kamakahonu Street off of Haili Street. 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 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. Final Plan Approval of the educational facility shall be secured from the Planning Director. Plans shall identify existing structures, play area, student loading/unloading area, parking stalls associated with the proposed use and landscaping along the property's southern and western property boundaries. Parking shall comply with the requirements of Chapter 25 (Zoning Code).

4. The educational facility shall be established (certificate of occupancy) within two (2) years from the effective date of this permit.

5. The educational facility shall be limited to the operational hours from 7:00 a.m. to 4:00 p.m., weekdays. Evening activities related to the educational facility shall be prohibited.

6. The educational facility shall be limited to a maximum of 60 students.

7. Comply with all other laws, rules, regulations and requirements, including those of the Department of Health and the Department of Public Works-Building Division.

8. 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.

9. 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 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 Rodney Nakano 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
Corporation Counsel
Department of Public Works
Department of Public Works-Building Division
Department of Water Supply
County Real Property Tax Division
Department of Health
Plan Approval Section