CERTIFIED MAIL

June 3, 1988

Mr. Ken Melrose
Director of Planning
Transcontinental Development Co.
P. O. Box 3028 WVS
Kamuela, HI 96743

Dear Mr. Melrose:

Use Permit Application
Tax Map Key: 6-8-03:Portion of 32

The Planning Commission at its duly held public hearing on May 31, 1988, voted to approve your application, Use Permit No. 59, to allow the establishment of an interim day care facility at Waikoloa, South Kohala, Hawaii.

Approval of this request is based on the following:

1. 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 an interim day care facility within the Multiple-Family Residential zoned district may be permitted through the granting of a use permit. One of the goals in the Land Use Element of the General Plan is to "Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural, and physical environments of the County." A day care facility within the Waikoloa Village area would be most appropriate as a support facility to Waikoloa residents as well as to employees of the nearby resort. The proposed site is conveniently serviced by all essential utilities and services. Thus, the granting of this request would be in the direction of fulfilling the land use policy of the General Plan which is to promote and encourage the utilization of urban areas which are serviced by basic community facilities and utilities. The establishment of a

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day care facility would serve a growing need for such services especially in view of the opening of the Hyatt Regency Waikoloa Hotel in September 1988. Its approval would be consistent with one of the purposes of the Zoning Code which is to promote health, safety, morals or the general welfare of the community.

2. The proposed day care center will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties. With the exception of surrounding vacant lands, the character of the area is urban in nature. The Waikoloa General Store, a golf course, residences, and the Waikoloa Villas and Hills projects are within the general vicinity of the project site. At the same time, it is felt that the project's considerable distance from Waikoloa Road and other adjacent land uses assures an adequate buffer to minimize associated negative impacts. The proposed site has been previously improved to accommodate construction offices, parking and a recreational area. Minimal site work will be required to provide for the day care center. This approval is conditioned upon the applicant conforming to current Uniform Building and Fire Codes and the requirements of the State Department of Health.

3. The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. The demand for day care services is expected to be extremely high when the Hyatt Regency Waikoloa Hotel opens. Existing day care centers in Kona, Waimea and North Kohala will not be able to provide for the immediate needs generated by resort employees and their families. The proposed day care center will satisfy this recognized void.

4. The granting of the proposed use 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. While traffic in this area will increase, it is expected to be quite negligible except during brief periods before and after

work shifts. This section of Waikoloa Road has a 120-foot wide right-of-way. It should be noted that no objections were raised by any of the cooperating agencies.

Approval of this request is subject to the following conditions:

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

2. Plans, including striped parking, shall be submitted for Plan Approval review within one year from the effective date of the Use Permit.

3. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.

4. Buildings shall conform to current Building and Fire Codes for occupancy type.

5. The life of this use permit shall be for a period of two years starting from the date of issuance of the occupancy permit.

6. Comply with all other applicable laws, rules, regulations, and requirements, including those of the State Department of Health and the Department of Public Works.

7. 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. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.

8. 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; 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 may initiate procedures to nullify the permit.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,

Thomas A. Krieger

Thomas A. Krieger
Chairman, Planning Commission

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

bcc: Plan Approval Section