**Planning Commission**

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

LORRAINE R. INOUYE
Mayor

CERTIFIED MAIL

March 5, 1991

Mr. Wayne Lantz
The Henry Opukahaia School
P. O. Box 28
Keaau, HI 96749

Dear Mr. Lantz:

Time Extension to Condition No. 3 of Use Permit No. 61
Tax Map Key: 2-2-40:18 & 72

The Planning Commission at its duly held public hearing on February 21, 1991, voted to approve a time extention to Condition No. 3 (establish pre-school operations) of your Use Permit No. 61, which was originally granted to Noah's Ark Christian Schools, allowed the establishment of a pre-school within portions of the existing buildings at the Gospel of Salvation Church complex at Waiakea Homestead Houselots, South Hilo, Hawaii.

Approval of this request is based on the following:

Non-performance of the conditions of approval are the result of conditions that could not have been foreseen or are beyond the control of the applicant and are not the result of their fault or negligence. The former applicant, Noah's Ark Christian Schools, Inc., was unable to establish the proposed pre-school by its October 20, 1990 due date as required by Condition No. 3. The former applicant subsequently requested revocation of the subject permit, but later withdrew the request in view of the present applicant's desire to establish the pre-school under the subject permit. However, the October 20, 1990, due date had already lapsed and the present applicant needs additional time to comply with Condition No. 3.

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The applicant proposes the same type of pre-school operation with no changes from that approved in 1988. Thus, granting of the request would not be contrary to the General Plan or Zoning Code nor the original reasons for the granting of the subject permit. Similarly, 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 proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region nor would it unreasonably burden public agencies to provide for public services and utilities.

With the exception of Condition No. 3, the previous applicant had made substantial progress in complying with all of the stated conditions of approval. Necessary improvements associated with the change in occupancy from a choir room to classroom use have been completed. All that is required of the applicant is to secure a Certificate of Occupancy from the Building Division to establish the proposed pre-school in compliance with Condition No. 3 of Use Permit No. 61.

Based on the above considerations, a 90-day time extension in which to establish the proposed pre-school operations in compliance with Condition No. 3 is approved. Condition No. 3 is amended as follows: (Bracketed material is to be deleted. New material is underscored.)

"3. The pre-school operations shall be established (occupancy permit) within [one year] <u>ninety days</u> from the date of [receipt of Final Plan Approval] <u>approval of this amendment</u>."

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
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
Department of Human Services
County Real Property Tax Division
Mr. James Kaili