CERTIFIED MAIL

September 30, 1988

Rev. James Kaili
Noah's Ark Christian Schools, Inc.
c/o 541 Hoaka Road
Hilo, HI 96720

Dear Rev. Kaili:

Use Permit Application
Tax Map Key: 2-2-40:18 & 72

The Planning Commission at its duly held public hearing on September 27, 1988, voted to approve your application, Use Permit No. 61, to allow 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:

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 the pre-school within the existing church complex on a properties situated within the County's Single-Family Residential zoned district may be permitted through the granting of a Use Permit. It should be further noted that the goals of the Land Use Element of the General Plan states to "Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural, and physical environments of the County." It is felt that the granting of the request at its particular location will maintain the social and physical environments of the area. Besides the long-established church use, the Food Fair Supermarket complex is situated immediately across the project site mauka of Kinoole Street. The Family Crisis Shelter is also located in the vicinity of the proposed pre-school. With the commercial activities and community-service oriented nature of the area, the establishment of a pre-school on the subject properties would

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not be introducing a substantially new land use pattern into the community. Additionally, since all essential utilities and services are available to the property, the granting of this request will be in the direction of fulfilling the land use policy of the General Plan which says to "promote and encourage the utilization of urban areas which are serviced by basic community facilities and utilities."

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. There will be no new structures added to the present church complex and access will continue through the church gate. Paved parking is already available on the church site; however, striping and required stalls must still be assessed during Plan Approval review. The establishment of the pre-school may have some impact on adjacent residences, but these impacts are expected to be minimal relative to existing commercial uses in the neighborhood.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. The establishment of an additional pre-school in South Hilo would fulfill an on-going need for pre-school care and would accommodate individual religious and educational needs of the community.

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. Kinoole Street is felt to be adequate to service vehicular traffic to the project site. It should be noted that none of the cooperating agencies had any objections to the subject request.

Approval of this request is subject to the following conditions:

1. The petitioner shall comply with all of the stated conditions of approval.

2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. 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. Plans shall identify classrooms, office space and parking stalls associated with the pre-school operations. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted. Parking for all functions shall be maintained on the subject property to ensure that on-street parking will not occur on Kinoole Street.

3. The pre-school operations shall be established (occupancy permit) within one year from the date of receipt of Final Plan Approval.

4. The pre-school operation shall be limited to Mondays through Fridays between the hours of 7:00 a.m. and 5:00 p.m.

5. Comply with all other applicable laws, rules, regulations and requirements, including those of the Department of Water Supply, the Department of Health and the Uniform Fire Code.

6. 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.

7. 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
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division

bcc: Plan Approval Section