Planning Commission

STEPHEN K. YAMASHIRO
Mayor

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

CERTIFIED MAIL

December 17, 1992

Kamehameha Schools/
Bernice Pauahi Bishop Estate
101 Aupuni Street, Suite 227
Hilo, HI 96720

Gentlemen:

Use Permit Application (UP 92-10)
Applicant: Kamehameha Schools/Bernice Pauahi Bishop Estate
Request: Establish Preschool and Administrative Offices for Other Early Education Programs
Tax Map Key: 5-4-08:Portion of 1

The Planning Commission at its duly held public hearing on December 10, 1992, voted to approve the above application, Use Permit No. 109, to allow the establishment of a preschool and administrative offices for other early education programs on land zoned Agricultural-20 acres (A-20a) by the Hawaii County Zoning Code. The project site, which abuts Honomakau Road and is located approximately 1700 feet (makai) from the intersection of Honomakau Road and Akoni Pule Highway, is to be situated on approximately 1.58 acres of a parcel containing 495 acres, Kapua, North Kohala, 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 a preschool and administrative offices on a property within the State Land Use Urban District and the County's Agricultural-zoned district may be permitted through the granting of a Use Permit. The site is within an area designated for Low Density Urban uses by the General Plan Land Use Pattern Allocation Guide (LUPAG) map, which would allow for uses which are single family residential in character, ancillary community and public uses, and convenience-type commercial uses. The proposed use would be consistent with the Low Density Urban designation. Mindful of the type of services the applicant will provide to residents within the region, the proposed use will

DEC 17 1992

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 preschool will accommodate approximately 20 children and 3 staff members during its operating hours of 7:45 a.m. to 2:00 p.m., Monday thru Friday. The remaining 4 staff members will service the applicant's Traveling Preschool and Parent-Infant programs and will utilize the proposed facility for administrative functions only. The limited nature of the proposed use and the close proximity of Kohala High School would not adversely affect the existing character of surrounding properties or the community. As agreed to by the applicant, it is recommended that a plant hedge be provided along the project site's northern (makai) property boundary as a noise buffer. This hedge would provide a buffer between adjacent residents and the proposed preschool playground.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. No Use Permit has been issued by the Planning Commission for similar uses within the North Kohala 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. Nor would the proposed use be materially detrimental to the public welfare. Water is available to the subject property. Water for fire fighting purposes will be provided by an on-site water tank. Wastewater disposal will be accommodated by a septic system.

Primary access to the project site is via Honomakau Road, which has a pavement width of approximately 10 feet within an approximately 25-foot wide right-of-way. The Commission has consistently sought the provision of adequate access for other similar types of requests which came before that body. The Department of Public Works recommends that Honomakau Road be improved with a minimum 16-foot pavement from its intersection with the Akoni-Pule Highway to, and including, the project's

access driveway. There have also been concerns expressed about the alignment of Honomakau Road within its right-of-way and the ability to provide the recommended roadway improvements. The potential difficulties which may be encountered due to the possible meandering of the roadway within and outside of its right-of-way have not yet been defined; primarily since such a determination could only be established through a detailed survey of the roadway alignment. Through a letter dated November 24, 1992, the applicant has agreed to improve Honomakau Road "from The Kohala High Administration Building to the project site within the existing County road right-of-way." The applicant, in citing an October 23, 1992 letter from the Department of Education, states that a portion of Honomakau Road from the Kohala High School Administration Building to its Akoni-Pule Highway intersection is adequate to meet the demand. Our approval recommendation is based on the ability of that portion of Honomakau Road, from its intersection with the Akoni-Pule Highway to, and including, the project's access driveway, to accommodate the proposed use. The adequacy of that portion of roadway from the school to the highway will be under the purview of the Department of Public Works. Therefore, it is recommended that the applicant provide required improvements within the entire length of Honomakau Road, from the project's access to the highway, with a minimum 16-foot wide pavement and 2-foot wide gravel shoulders. Given the limitation of providing such improvements to a possibly meandering roadway, the ultimate width of the pavement within those limited portions of roadway shall be at the discretion of the Department of Public Works.

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. Final Plan Approval of the proposed preschool/ administrative office facility 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 structures, fire protection measure(s) and parking stalls associated with the proposed use. Parking shall comply with the requirements of Chapter 25 (Zoning Code). Plans shall also indicate a planting hedge along the project site's northern property boundary for the purpose of mitigating any noise impacts generated by the

proposed facility and its playground area. This requirement shall not limit the applicant from providing additional landscaping as may be required at the time of plan approval review.

3. The proposed preschool shall be established (certificate of occupancy) within three years from the date of receipt of Final Plan Approval.

4. The applicant shall provide a minimum 16-foot wide pavement and 2-foot wide gravel shoulders within that portion of Honomakau Road from its intersection with the Akoni-Pule Highway to, and including, the project's access driveway prior to the issuance of a certificate of occupancy for the proposed preschool/administrative office facility. Should the Department of Public Works determine that a 16-foot wide pavement is not practical within certain portions of Honomakau Road, the ultimate pavement width within these portions of Honomakau Road shall be at the discretion of the Department of Public Works. All roadway improvements shall be installed in a manner meeting with the approval of the Department of Public Works.

5. Driveway access shall meet with the approval of the Department of Public Works.

6. Comply with all other laws, rules, regulations and requirements.

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 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 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 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 or Daryn Arai of the Planning Department at 961-8288.

Sincerely,

Dennis R. Holt, Vice Chairman
Planning Commission

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xc: Stephen J. Menezes, Esq.
Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
Plan Approval Section

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