Planning Commission

LORRAINE R. INOUYE
Mayor

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

CERTIFIED MAIL

March 5, 1991

Ms. Joan D. Widdecombe
d.b.a. Aloha Montessori Preschool
Box 688
Naalehu, HI 96772

Dear Ms. Widdecombe,

Use Permit Application
Tax Map Key: 9-5-21:19

The Planning Commission at its duly held public hearing on February 21, 1991, voted to approve your application, Use Permit No. 81, to allow the establishment of a preschool on 33,000 square feet of land situated within the Single Family Residential - 15,000 square foot (RS-15) zoned district. The property is located along the north side of Mamalahoa Highway and is the site of the existing Methodist Church, Naalehu, Ka'u, 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 a preschool on a property designated "Urban" by the State Land Use Commission and situated within the County's Single Family Residential-15,000 square foot (RS-15) zoned district may be permitted through the granting of a Use Permit. The Land Use Element of the General Plan states as a goal to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County." A Course of Action for the Ka'u District is the "Centralization of commercial activity in the communities of Pahala and Naalehu..." The granting of this request will still maintain the present environment of this area of Naalehu. The property is located within the commercial core of Naalehu and establishing a preschool at this site would provide an essential and convenient service to those employed

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within or outside of the Naalehu Village area. Therefore, the granting of this request would also be in the direction of fulfilling a policy of the General Plan in which "The County shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment."

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 location of the preschool within the existing social hall of a church and the number of children that would be accommodated by this service would preclude any major impact to surrounding commercial and residential properties or the rural-residential character of this community.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. There are no other preschools within the area or region that have been approved through the issuance of a use permit or special permit.

The small scale of this group child care center 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. Access to the site is from Mamalahoa Highway which has a pavement width of approximately 40 feet within a 50-foot right-of-way. Parents presently drop-off their children within the front yard of the church just off of the road right-of-way. The applicant will be required to designate an on-site location for loading/ unloading purposes on plans to be submitted for plan approval review.

Approval of this request is subject to the following conditions:

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

2. Final Plan Approval for the proposed development and related improvements shall be secured from the Planning Department within one year from the effective date of the permit. Plans shall identify on-site parking and drop-off area. 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.

3. Building permit(s) for the conversion of the existing church social hall to allow a change in occupancy to preschool use shall be secured within one year from the date of receipt of Final Plan Approval and be completed (certificate of occupancy) within one year thereafter;

4. Access shall meet with the approval of the Department of Public Works.

5. The preschool will be restricted to no more than twenty-five children. The hours of operation shall be between 7:30 a.m. and 4:00 p.m., Monday through Friday.

6. Comply with all other applicable 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 permits. 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: 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, 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.

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-Clyde Nekoba
County Real Property Tax Division
West Hawaii Office