Planning Commission

Lorraine R. Inouye
Mayor

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

CERTIFIED MAIL

December 9, 1992

Mr. Jeff Melrose
Kamehameha School/Bernice Pauahi
Bishop Estate
101 Aupuni Street, Suite 227
Hilo, HI 96720

Dear Mr. Melrose:

Use Permit Application (UP 92-13)
Applicant: Kamehameha Schools/Bernice Pauahi
Bishop Estate
Request: Temporary Use of Pu'ula Church
Facilities for Preschool
Tax Map Key: 1-4-51:115

The Planning Commission at its duly held public hearing on November 18, 1992, voted to approve your application, Use Permit No. 107, to allow the temporary use (three years) of the Pu'ula Church's facilities for a center-based preschool program on land zoned Single-Family Residential (RS-10) by the Hawaii County Zoning Code. The project site is located at the corner of Church Road and Kehau Street in Nanawale Estates Subdivision, on a parcel containing 48,390 square feet, portion of Nanawale Estates, Puua, Puna, 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 center-based preschool on a property within the State Land Use Urban District and the County's Single Family Residential-zoned district may be permitted through the granting of a Use Permit. The site is within an area designated for Low Density Urban 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

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convenience-type commerical uses. The proposed use would be consistent with the Low Density Urban designation. Mindful of the type of service the applicant will provide to area residents, the proposed use will 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 use will utilize existing facilities provided by the Pu'ula Church for a period of approximately 3 years with hours of operation from 7:45 a.m. to 2:00 p.m., weekdays. The temporary nature of the proposed use, its use of existing church faciltiies and its limited hours of operation would ensure that surrounding properties or the residential character of the surrounding area not be impacted.

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 Nanawale Estate Subdivision.

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. Water is available to the subject property. Primary access to the project site is via Kekau Road, which has a pavement width of 20 feet within a 60-foot right-of-way. Access to the property then proceeds along Church Road, a private gravel roadway having a right-of-way of 40 feet. While the proposed use will be temporary, the Commission has consistently sought the provision of adequate access for all development approved by that body. This holds true for the proposed Kalapana Mauna Kea First Hawaiian Congregational Church, to be located approximately 2,100 feet to the northeast of the subject property. Approval of a Use Permit by the Commission to allow the construction of the church was subject to the provision of a minimum 16-foot wide pavement within the church's gravel access roadway (Kahoolawe Road) within

3 years from issuance of certificate of occupancy. Therefore, it is recommended that a similar requirement be imposed on the applicant, although within a lesser time frame. Wastewater generated by the proposed use will be disposed of within an existing cesspool located on the property. Other affected agencies has no objections to the request.

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 use 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 existing structures and parking stalls associated with the proposed use. Parking shall comply with the requirements of Chapter 25 (Zoning Code).

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

4. The applicant shall provide a minimum 16-foot wide pavement (concrete or asphaltic-concrete) within that portion of Church and/or Holiday Road from its intersection with Kehau Road to and including the project's access driveway within 1 year from the date of issuance of a certificate of occupancy, 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. The life of this permit shall not exceed a period of three (3) years from the date of approval of this permit.

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

8. 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.

9. An extension of time for the performance of conditions within the permit, with the exception of Condition No. 6, 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 Daryn Arai of the Planning Department at 961-8288.

Sincerely,

Mike Luce

Mike Luce, Chairman
Planning Commission

jdk

xc: Denise Johnson
Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Plan Approval Section

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