

**COUNTY OF HAWAI'I PLANNING DEPARTMENT
RECOMMENDATION**

**PARKER SCHOOL
AMENDMENT TO USE PERMIT NO. 05-001 (USE 05-001)**

Upon careful review of the applicant's request against the guidelines for granting an amendment to a Use Permit, the Planning Director recommends **the request for an amendment to Condition No. 11 of Use Permit No. 05-001 be approved by the Planning Commission.** Since this recommendation is made without the benefit of public testimony, the Director reserves the right to modify and/or alter this position. This approval recommendation is based on the following findings:

Use Permit No. 05-001 was issued on December 7, 2005 to allow the establishment of the Parker School elementary school (grades K-5) on a 2.635-acre portion of TMK (3) 6-5-004:025. The Use Permit was amended by the Planning Commission in 2010 to allow expansion of the Parker School complex to include new athletic fields, new gymnasium, renovation of two residences and warehouse, elementary school addition and new middle school on the remainder of TMK (3) 6-5-004:025 and TMK's (3) 6-5-004:025, 026, 028 and 063. On June 30, 2020, the Leeward Planning Commission voted to allow for a time extension to Condition No. 6 Condition No. 6 of Use Permit No. 05-001 in order to complete construction of the school complex for TMK's (3) 6-5-004:025, 026, 028, and 063.

The applicant is requesting to defer the requirement to complete roadway improvements prior to the issuance of Certificate of Occupancy for the construction of the gymnasium complex to read as follows:

"Prior to issuance of a Certificate of Occupancy for the middle school [~~or gymnasium~~] the applicant shall provide the following improvements meeting with the approval of the Department of Public Works, at no cost to the County:

- a. Provide pavement widening, concrete curb, gutter and sidewalk, and incidental drainage improvements along the south side of Kapi'olani Road from Lindsey Road to the middle school entrance and along the east side of Lindsey Road from Kapi'olani Street to the existing sidewalk at the*

edge of the school's property.

- b. Install streetlights along the south side of Kapi'olani Road from Lindsey Road to the middle school and any necessary signs and markings."*

This amendment would defer improvements to Kapi'olani Road to be built prior to issuance of a Certificate of Occupancy for the future middle school rather than prior to issuance of a Certificate of Occupancy for the gymnasium, which has been funded and is ready for construction.

According to the applicant, with the COVID-19 pandemic many things have changed for the small independent school. The probability of a significant increase in enrollment anticipated in the approved 2010 Master Plan for this Use Permit is remote. The school's current goal is to maintain their present enrollment (approximately 325 students) and the current fundraising focus has been shifted to assist in scholarship aid for the existing student body. The applicant has previously raised funds for the proposed facilities through generous gifts from individuals. Many of these gifts previously received have conditions that require that the funds be spent during a certain time-period that is rapidly approaching. Based on the preceding, the applicant is requesting to build the gymnasium complex to accommodate the existing enrollment without precluding the possibility of enrollment growth in the future that would require a new middle school. The applicant believes that with no growth in the current enrollment, the off-site improvements on Kapi'olani Road for pedestrian access to the proposed gymnasium are unnecessary at this time and would like to build the gymnasium complex for the use of their current enrollment without making these off-site improvements. Pedestrian access to the new facility would be through the applicants existing campus and not along Kapi'olani Road. Should the Middle School be constructed to accomodate a significant growth in enrollment, the applicant is requesting that the conditions for improvements to Kapi'olani Road would still apply. Any further amendments to the Use Permit will require the applicant to subject their request to the Planning Commission.

The criteria for granting the requested amendment follows:

- The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan;

- The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties; and
- The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property as Medium Density Urban, which includes village and neighborhood commercial, single-family and multiple-family residential (up to 35 units per acre) and related functions. The island's urban centers provide physical, social, governmental, and economic concentrations so that the total activities of the community can be more readily and easily conducted. The subject properties are located just north of the Waimea town center within walking distance of nearby residential and commercial uses. Building of the gymnasium complex prior to completion of roadway improvements to Kapi'olani Road for use by Parker School and Waimea Community Education would directly support the existing educational needs of Parker School and the nearby communities. A school is considered a community facility that will complement the Public Facilities-Education element of the General Plan and the proposed amendment will be consistent with the following goals, policies and standards of the General Plan:

- Encourage combining schoolyards with county parks and allow school facilities for afterschool use by the community for recreational, cultural, and other compatible uses.
- Require developers to provide basic infrastructure necessary for development.
- Areas shall have basic improvements and amenities necessary for immediate use.

The applicant will meet the goals and policies of General Plan by completing the roadway improvements at a later date when the Middle School expansion occurs and the increase in enrollment.

The subject property is located within the proposed Waimea Town Center

identified within the South Kohala Community Development Plan (SKCDP). The SKCDP was adopted by Ordinance No. 08 159 on December 1, 2008, is intended to be the forum for translating South Kohala's community input into policies and action plans that shape the future land use of the district and translate broad general plan statements into specific actions. Policies, strategies, and actions of the SKCDP that are relevant to the applicant's request include: a) protection of important cultural and historic sites, structures and landscapes; b) implementation of Waimea Trails and Greenways project; c) implementation of short-term traffic mitigation improvements in and around Waimea Town Center; and d) plan, design and construct walkways and bikeways along Waimea Trails Project. Conditions of the permit will implement these policies and actions of the CDP. For example, Condition 24 requires the applicant provide an easement for the Waimea Trails and Greenways project along the Waikoloa Stream, Conditions 13, 14, 15 implement traffic management improvements for the school, and the proposed amendment to Condition 11 will provide pedestrian improvements along Kapi'olani Road in the future when enrollment increases and the middle school is constructed. Based on the preceding, the construction of the gymnasium complex prior to completion of improvements to Kapi'olani Road is consistent with the General Plan designation and is in keeping with the goals, policies and standards of the Zoning Code, General Plan and SKCDP.

The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties. The subject properties are located near the town center of Waimea, east of the existing Parker School Kahilu campus which has been operating since 1975. Waikoloa Stream borders the properties to the south. Surrounding properties are zoned Agricultural (A-1a) to the north, Single-Family Residential (RS-7.5) to the west towards Lindsey Road, and Village Commercial (CV-7.5) to the south and east. Between the campus and Kapi'olani Road are four small lot residential properties. To the north, across Kapi'olani Road are larger properties in agricultural and residential use as well as a church. The Waimea Parkside subdivision is located to the northwest of the campus, northeast of the Kapi'olani Road/Lindsey Road intersection. Several small residential lots are located along Pu'ukū Road, north and west of the campus. Parker

School's middle and high school campus is located to the west.

Kapi'olani Road is a County-owned and maintained roadway with an approximately 18 to 20-foot pavement in good condition and 2- to 4-foot-wide grass shoulders within a 40-foot-wide right-of-way. According to the Department of Public Works, Kapi'olani Road is substandard based on width and has no sidewalks or streetlights.

The Planning Department received written opposition from the South Kohala Traffic Safety Committee (SKTSC) stating that while the SKTSC has consistently been favorable towards the expansion of Parker School there are concerns that if the amendment is approved, it will further delay the proposed roadway changes that were meant to provide necessary safety measures. The applicant responded to SKTSC's concerns that while the applicant is still committed to making the necessary safety and roadway improvements, the schools existing enrollment has not expanded so therefore the applicant believes that the request to defer the necessary roadway improvements until a later date when the middle school can be build is a reasonable request.

The Director agrees with the applicant, that with no growth in the current enrollment, the off-site improvements on Kapi'olani Road for pedestrian access to the campus are unnecessary at this time and believes it is reasonable to build the gymnasium complex for the use of their current enrollment without making these off-site improvements. Pedestrian access to the new facility would be through the applicants existing campus and not along Kapi'olani Road.

The proposed amendment will not detract from the present character of the area, and residents in the area will continue to be able to walk along Kapi'olani Road on the grass shoulders.

The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure. The reasons for granting the original permit have not changed as the proposed school expansion still meets the criteria for granting a Use Permit. The applicant still intends to complete the required roadway improvements to Kapi'olani Road at a later date once construction and occupancy of the middle school can occur and student enrollment has increased. Existing conditions of

approval continue to address the applicant's responsibilities to provide essential services to the subject property.

Additionally, the Department of Public Works Engineering Division had no objections to the applicant's request to defer roadway improvements to Kapi'olani Road to a later date when the construction of a middle school can occur.

In addition to criteria for granting a Use Permit, the request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management Area. The subject properties are located over 8 miles to the nearest shoreline and are not located in the Special Management Area. There are not identified coastal recreational resources, coastal scenic and open resources, coastal ecosystems, and beach and marine resource in the area. Thus, the proposed request and use of the property will not adversely impact those resources.

The property has been graded and previously used for pasture over much of the last century. By letters dated January 15, 2009 and September 10, 2009, the DLNR-SHPD determined that the proposed school expansion will have an "effect, with agreed-upon mitigation commitments" because demolition of the historic walls will affect the look and feel of the historic landscape and adaptive reuse of the other historic buildings, including the warehouse, may potentially affect their historic character. On June 15, 2012 human skeletal remains were inadvertently discovered under the schools Theater Building on TMK: (3) 6-5-004:027. A Preservation Plan was prepared and accepted by SHPD by letter dated October 24, 2012. Pursuant to the approved Preservation Plan, the site was conserved within its original location with conditions.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject properties. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the

Planning Department and/or the affected agencies.

Based on the above, the Planning Director recommends approval of the applicant's request to amend Condition No. 11 of Use Permit No. 05-001. Conditions of the permit are proposed to be amended as follows (material to be added is underscored; material to be deleted is bracketed and lined out). Approval of this amended request is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all conditions of approval.
2. The applicant is responsible for maintaining valid water commitments with the Department of Water Supply to support the proposed use until such time that required water facilities charges are paid in full.
3. The applicant shall install a reduced pressure type backflow prevention assembly within five (5) feet of each new water meter on private property, which must be inspected and approved by the Department of Water Supply prior to the issuance of a Certificate of Occupancy.
4. Prior to the issuance of a Certificate of Occupancy for any new building on the subject properties, the applicant shall upgrade the existing County water system as required by the Department of Water Supply in order to provide a minimum theoretical fire flow of 2,000 gallons per minute to the site for fire protection.
5. The applicant shall relocate and adjust the Department of Water Supply's water system facilities that are affected by the construction of improvements within the road right-of-ways fronting the subject properties required by this permit.
6. Construction of the athletic fields, gymnasium, and related improvements and renovation of the two existing residences and warehouse for school use shall be completed [~~within five (5) years from the effective date of the amended permit.~~] prior to June 30, 2025. Construction of the middle school, elementary school addition, and related improvements shall be completed [~~within ten (10) years from the effective date of the amended permit.~~] prior to June 30, 2030. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall

identify all existing and/or proposed structures, paved driveway accesses and parking stalls associated with the proposed development. Landscaping shall be included on the plans to mitigate any potential adverse noise or visual impacts to adjacent properties on Pu'ukī Road and the four A-1a-zoned properties on the south side of Kapi'olani Road, specifically in accordance with the Planning Department's Rule No. 17-6(b)(2)(B), Landscaping Requirements for CV zones adjoining an RS zone.

7. Nighttime lighting of the athletic fields is prohibited.
8. Overall enrollment of grades K-12 shall be limited to four hundred fifty (450) students, which includes limiting the elementary school (grades K-5) and relocated middle school (grades 6-8) to three hundred (300) students combined.
9. The gymnasium shall be limited in size to a 250-seating capacity and limited in hours to up to 10:00 p.m. Use of the gymnasium for after-school activities involving persons other than Parker School students shall be limited to 14 vehicle arrivals prior to 6:00 p.m. on weekdays.
10. Expansion of the existing Lindsey Road parking lot is prohibited.
11. Prior to issuance of a Certificate of Occupancy for the middle school, [~~or gymnasium~~] the applicant shall provide the following improvements meeting with the approval of the Department of Public Works, at no cost to the County:
 - a. Provide pavement widening, concrete curb, gutter and sidewalk, and incidental drainage improvements along the south side of Kapi'olani Road from Lindsey Road to the middle school entrance and along the east side of Lindsey Road from Kapi'olani Street to the existing sidewalk at the edge of the school's property.
 - b. Install streetlights along the south side of Kapi'olani Road from Lindsey Road to the middle school and any necessary signs and markings.
12. Any future vehicular security gate(s) at the County road approaches shall be recessed a minimum of 20 feet (exclusive of gate swing) from the County right-of-way, meeting the approval of the Department of Public Works.
13. The applicant shall continue to provide active traffic management of all student pick-up/drop-off areas so that drop-off and pick-up activity does not result in

queuing of vehicles on any County road. Additional off-street parking, above the minimum required in the Zoning Code, may be required by the Planning Director to achieve this result.

14. The applicant shall continue to implement staggered school start times and a carpooling program.
15. The applicant shall implement the *Traffic Management Plan for Parker School* prepared January 28, 2020 by The Traffic Management Consultant.
16. All future driveway connections to Pu'ukū Road and Kapi'olani Road shall conform to Chapter 22, Streets and Sidewalks, of the Hawai'i County Code.
17. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to the issuance of Final Plan Approval. Drainage improvements, if required, shall be constructed, meeting with the approval of the Department of Public Works prior to the issuance of a Certificate of Occupancy.
18. During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawai'i.
19. Construction activities must comply with the provisions of Hawai'i Administrative Rules, Chapter 11-46, "Community Noise Control."
20. Earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawai'i County Code.
21. Any new construction, improvements to repetitive loss structures or substantial improvements of structures within 50 feet of Zone "AE" shall be completed in conformance with the requirements of Chapter 27- Flood Plain Management, of the Hawai'i County Code.
22. The applicant shall install wastewater system(s) meeting with the requirements of the State Department of Health prior to the issuance of a Certificate of Occupancy.
23. The applicant shall implement the Solid Waste Management Plan approved by the

County Department of Environmental Management on April 22, 2019, or as may be amended.

24. The applicant shall provide an easement on parcels 25 and 63, on the north side (school side) of Waikoloa Stream at a location approved by the Department of Parks and Recreation. The easement shall be granted at no cost to the County when required by the Department of Parks and Recreation for the Waimea Trails and Greenways project.
25. Prior to adaptive reuse, alteration or demolition of the historic warehouse building the applicant shall submit an architectural inventory survey and mitigation plan to the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) for approval. The applicant shall implement any mitigation required by the DLNR-SHPD related to any historic resources in the project area.
26. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the DLNR-SHPD shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigative measures have been taken.
27. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
28. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of this amended permit. The report shall include, but not be limited to, the status of the development and compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been satisfied and the Planning Director acknowledges that further reports are not required.
29. If the applicant should require an additional extension of time for any condition of this permit, the applicant shall submit their request to the Planning Director for appropriate action by the Planning Commission.
30. Should any of the conditions not be met or substantially complied with in a timely

fashion, the Planning Director may initiate the revocation of the Use Permit.