

CERTIFIED MAIL

September 6, 1988

Ms. Monica Cantyne  
P. O. Box 1255  
Kamuela, HI 96743

Dear Ms. Cantyne:

Applicant: Hale Na Keiki (88-15)  
Special Permit Application  
Tax Map Key: 6-4-16:21

The Planning Commission at its duly held public hearing on August 30, 1988, voted to approve your application, Special Permit No. 679, to allow the establishment of a day care facility utilizing an existing single family dwelling on 8,865 square feet of land situated within the State Land Use Agricultural District. The property is located along the southwest side of Nani Waimea Street at the western corner of the Nani Waimea Street and second cross street within the Nani Waimea Subdivision, Puukapu Homesteads, 2nd Series, South Kohala, Hawaii.

Approval of this request is based on the following:

The proposed day care facility will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of these statutory provisions is to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people in Hawaii. The subject property is situated within the County's Agricultural 1-acre and State Land Use Agricultural Districts. The General Plan LUPAG Map designates the area for Intensive Agricultural uses. While the soils have a fair potential for productivity and are classified "Other Important" by the ALISH map system, the small size of the parcel (8,865 square feet) and the construction of a single-family dwelling precludes the establishment of major agricultural activities on the subject property. It should be noted that the Department of Agriculture had no objections to the applicant's request. Taking these

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factors into consideration, it has been determined that approval of the proposed use would not result in a significant loss of agricultural land nor will it have an adverse impact on the overall agricultural activity of the district, region, island or State.

Approval of this particular request is not anticipated to have any adverse effect on surrounding properties with proper mitigative measures in place. The use would be a day care facility for not more than 12 children from the hours of 8 a.m. to 5 p.m. Although the subject property is surrounded by residences, a petition has been signed by neighbors supporting the project as being beneficial to the community. Admittedly, the project site is very limited in size. The applicant will be required to comply with all rules and regulations of the State Department of Human Services relating to child care licensing. These rules regulate teacher-child ratios, outdoor space required per child and needed floor area per child. Parking considerations are perhaps the most crucial in this request. According to the Zoning Code, one parking stall per teacher and/or employee would be required. The site plan submittal shows two parking stalls in addition to a two-car garage. Since one of the applicants and one employee live on the subject property, the parking requirements for these are fulfilled with the two-car garage. The remaining two employee parking stalls should be provided on an adjacent Parcel 40 owned by the applicant's sister and future employee. A two-stall drop-off area will then be available on the project site which should be depicted on any site plan submitted for plan approval review. Cognizant of the potential parking problems on Nani Waimea Street, this permit also contains a condition restricting the approved use to direct day care activities and not to ancillary functions such as graduation ceremonies, fund raisers, gettogethers, etc. Nani Waimea Street is a dead end roadway with adequate pavement and shoulders. The amount of traffic generated by a limited day care service in this particular location should not create undue burden on the current traffic volume or traffic pattern.

The proposed use will not unreasonably burden public agencies to provide additional facilities and services. All essential services and utilities are available to the subject site. Additionally, cooperating agencies had no adverse comments or objections to make on the application.

The establishment of a day care center in Waimea would complement the overall Land Use goal in the General Plan which

reads "Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural, and physical environments of the County." The insufficient amount of licensed day care facilities, especially for infants and toddlers, has been widely recognized and publicized. The growing population trends in the South and North Kohala Districts coupled with the ensuing employment needs generated by on-going resort developments have prompted a demand for such licensed centers. Thus, approval of this particular request under the existing climate of day care services would be in the general interest and welfare of the public.

Unusual conditions, trends, needs have arisen in relation to the subject request since the establishment of the district boundaries and regulations. After the enactment of the State Land Use Law in 1961, a household with two parents working became increasingly common out of choice or necessity. This trend has produced a demand for child care centers, which has not been satisfied over time. In the Kohala Districts, this void will be underscored with the job opportunities created by recent resort and commercial developments. The applicant would be filling a definite need at a location that is essentially rural in character. The small scale of the project will not change this rural feeling or the character of the area.

Based on the foregoing, it has been determined that the proposed establishment of a day care facility is an unusual and reasonable use of land situated within the State Land Use Agricultural District and would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended.

Approval of this request is subject to the following conditions:

1. The petitioner shall be responsible for complying with all conditions of approval.
2. The life of the permit shall be for a period of five years from the date of its approval and shall not be transferable.
3. The day care facility shall be limited to not more than four employees or teachers.
4. In accordance with the regulations of the State Department of Human Services, enrollment at the day care facility shall be restricted to not more than 12 children.

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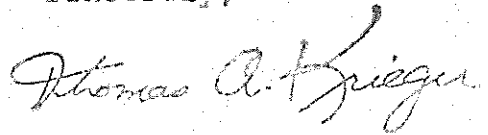
5. The hours of operation shall be limited to Mondays through Saturdays from 8:00 a.m. to 5:00 p.m.
6. Plans, including a detailed parking plan, shall be submitted to the Planning Department for Plan Approval review within one year from the effective date of approval of this permit and Final Plan Approval shall be secured within two years thereafter. Parking shall be provided at a ratio of one stall per employee or teacher. Employee parking may be permitted on the adjacent Parcel 40 with a letter of approval from the landowner. A two-car drop off area shall be depicted on the site plan submittal. No drop off/pick up of children shall be permitted along the street or roadside. Each parent shall be notified in writing of this requirement. A copy of this notification shall be submitted to the Planning Director prior to receipt of Final Plan Approval.
6. Construction shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
7. The day care facility shall be restricted to immediate direct child care and shall not be utilized for meetings, graduation ceremonies, get togethers, or other gatherings for the children and their families.
8. Comply with all other applicable laws, rules, regulations and requirements, including those of the Department of Human Services and the Department of Health.
9. 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.
10. With the exception of Condition two (2), 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

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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  
Planning Office - Kona  
State Land Use Commission

bcc: Plan Approval Section