



# Planning Commission

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

LORRATNE R. TNOIHYE  
Mayor

April 15, 1991

Ms. Charmaine Kamaka  
County of Hawaii  
Department of Parks and Recreation  
25 Aupuni Street  
Hilo, HI 96720

Dear Ms. Kamaka:

Special Permit Application  
Tax Map Key: 2-6-7:27

The Planning Commission at its duly held public hearing on April 4, 1991, voted to approve your application, Special Permit No. 772, to allow the establishment of a day care and community center and related improvements on 2.39 acres of land situated within the State Land Use Agricultural District. The property involved is the site of the existing Clem Akina Park, Puueo, South Hilo, Hawaii.

Approval of this request is based on the following:

The granting of the Special Permit to allow the establishment of a day care and community center on the subject property would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended 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 of the State of Hawaii. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agriculture use. The soils within the subject property are classified "Prime" agricultural land by the Department of Agriculture's ALISH Map. However, it is also classified as "Urban" by the Land Study Bureau's Overall Master Productivity Rating. The subject property is located within an area that has been extensively developed for residential uses. The existing park itself has been utilized as such for many years with no significant adverse impact to the agricultural resources of the County. The only

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agricultural activity presently occurring on the property is a limited number of community garden plots along Wainaku Street, of which most are located within the adjoining lot which also comprises Clem Akina Park. Therefore, it is felt that the establishment of a day care and community center on the subject property is an extension of the existing recreational/social use of the park and will not singularly or cumulatively have an adverse impact on the agricultural resources of the South Hilo District or the County.

The desired use will not adversely affect surrounding properties nor substantially alter the character of the land. Surrounding uses are predominantly residential in character with scattered commercial establishments. The establishment of a day care and community center will not significantly change this setting. It will provide a focal point for the community and would foster a sense of community within the area through the availability of community related programs. The existing use of the park for youth soccer practice will be displaced. However, the applicant has made accommodations to relocate the youth soccer activity to other playing fields.

The proposed use is not anticipated to unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police, and fire protection. People who presently utilize the existing park site must park along Wainaku Street. The applicant will provide on-site paved driveway, parking and drop-off area. Since Wainaku Street is a County-maintained roadway, access shall meet with the approval of the Department of Public Works. All basic services are available to the property and consulted agencies had no objection to the proposed use.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were first established. While the residential area surrounding the subject property is an old, established community, there are no facilities available to accommodate the social needs of the immediate area. Provisions for day care have become a necessary social service for many communities as there are a greater number of single parent families as well as families having two working parents. By providing opportunities for day care services, the proposed facility will help fill this need. Recreational, community, and senior citizen programs will also be implemented through this facility, providing a wide range of social services for the community at a convenient location.

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The request is not contrary to the goals, standards and policies of the General Plan. Approval of this request supports a goal of the Economic Element which states that the County shall "Encourage the provision of public facilities that effectively service community needs and seek ways of improving public service through better and more functional facilities which are in keeping with the environmental and aesthetic concerns of the community." The proposed use compliments the goal stated above while also conforming to a goal of the Land Use Element to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County."

Approval of this request is subject to the following conditions:

1. The applicant(s), its successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval 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, landscaping, and paved driveway and parking area.
3. Construction of the day care and community center and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within one year thereafter.
4. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walks be encountered, work in the immediate area shall cease, and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
5. Comply with applicable laws, rules, regulations, and requirements including those of the Department of Health.

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6. 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.
7. 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(s), 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.

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Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,

*Mike Luce*

Mike Luce, Pro Tem, Chairman  
Planning Commission

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jdk

xc: Department of Public Works  
Department of Water Supply  
Department of Health  
County Real Property Tax Division  
State Land Use Commission  
DLNR  
OHCD

Ecc: Plan Approval Section