



Planning Commission

Lorraine R. Inouye
Mayor

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

CERTIFIED MAIL

October 24, 1991

Diana Kahler, Deputy Director
Hawaii County Economic Opportunity Council
34 Rainbow Drive
Hilo, HI 96720-2098

Dear Ms. Kahler:

Special Permit Application (91-12)
Applicant: HCEOC
Request: Establishment of a Preschool
Tax Map Key: 8-7-05:9

The Planning Commission at its duly held public hearing on October 10, 1991, voted to approve your application, Special Permit No. 785, to allow for the establishment of a preschool on 7.05 acres of land situated within the State Land Use Agricultural District. The project is the former site of the Department of Education Ala'e School, Haukalua 2nd, South Kona, Hawaii.

Approval of this request is based on the following:

The granting of this request 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 agricultural use. The agricultural District includes areas which are not used for, or which are not suited to, agricultural and ancillary activities by reason of topography, soils, and related characteristics. The land is rated by the Land Study Bureau's overall Master Productivity Rating as Poor. Furthermore, the land has already been developed for non-agricultural uses. It is determined that the preschool use of the property will not affect the agricultural resources of the region.

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The desired use will not adversely affect the surrounding properties. The size of the subject property and surrounding properties is adequate to buffer potential impacts to neighboring properties from the school use. The applicant will have to comply with Department of Transportation requirements for access to Mamalahoa Highway in order to provide safe access to the property. Adequate paved parking and unloading areas will be provided in order to assure the safety of students and roadway users.

The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. The applicant will provide a water system and sewage treatment facilities in compliance with the requirements of the Department of Health. Consulted agencies had no objection to the request.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The increase in the number of single-parent families and families in which both parents work has resulted in an increased need for preschool facilities. Proposed resort development in Ka'u may intensify the need for affordable child care services in the area.

The use will not substantially alter or change the essential character of the land and the present use. The proposed use will be conducted within an existing structure that has been previously used as a school. Because of the small scale of the project, the rural atmosphere of the area will be maintained.

The proposed use is consistent with the General Plan goals 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" and "The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment."

Approval of this request is subject to the following conditions:

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

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2. Final Plan Approval for the proposed preschool and related improvements shall be secured from the Planning Department within one year from the effective date of the 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, parking stalls, and drop-off area associated with the proposed use.
3. Building permit(s) to allow proposed improvements shall be secured within one year from the date of receipt of Final Plan Approval. The use shall be established (certificate of occupancy) within two years thereafter.
4. Access to the property shall meet with the approval of the Department of Transportation.
5. Comply with all other applicable laws, rules, regulations and requirements.
6. An annual progress report shall be submitted to the Planning Director prior to the anniversary date 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.
7. An initial 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 that are not the result of their fault or negligence;
 - b) the 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

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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,



Mike Luce, Chairman
Planning Commission

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jdk

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
State Land Use Commission
Dept. of Transportation-Hwys Division
Plan Approval Section