



Planning Commission

STEPHEN K. YAMASHIRO
Mayor

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

CERTIFIED MAIL

February 11, 1993

Ms. Ululani Morales
New Sites Development Coordinator
'Aha Punana Leo, Inc.
1744 Kinooole Street
Hilo, HI 96720

Dear Ms. Morales:

Special Permit No. 835
Applicant: 'Aha Punana Leo, Inc.
Request: Establish A Day Care Facility
Utilizing Hawaiian Language Immersion
Tax Map Key: 7-8-07:45

The Planning Commission at its duly held public hearing on February 4, 1993, voted to approve the above-referenced application, Special Permit No. 835, to allow the establishment of a Hawaiian Language Immersion Program Day Care Facility on approximately 0.69 acres of land situated within the State Land Use Agricultural District. The project site is located on the makai side of old Mamalahoa Highway approximately 2000 feet south of the old Keauhou School, Keauhou, North 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 proposed project will be located within an area whose soils are identified as Punaluu extremely rocky peat (rPYD) by the Soil Conservation Service and is generally utilized for pasture. The soil is classified as "E" of "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and unclassified by the Department of Agriculture's ALISH map. The parcel is a little over one-half acre in size and has an existing two-story structure on site. No additional

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Ms. Ululani Morales
February 11, 1993
Page 2

structures will be constructed. The proposed use would not displace agricultural activity nor diminish the agricultural potential of the area since this parcel has not been in agricultural use in years. Therefore, the proposed use would not be contrary to the objectives of the State Land Use Law for the Agricultural district.

The desired use will not adversely affect the surrounding properties. Surrounding uses include scattered residential and agricultural uses. The subject property is landscaped with ohia, palm and fruit trees along the west (makai) boundary. Since dwellings exist on both the north and south boundaries, additional landscaping should be planted along these adjacent property boundaries to mitigate any visual and noise impacts. The impacts from the preschool will be minimal due to the number of proposed children.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage, police and fire protection. Electricity, water and telephone are available to the subject property. All requirements of the Department of Health, Department of Public Works, and Fire Department shall be complied with prior to establishment of the proposed use. Consulted agencies had no objection to the request.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The need for local preschool services has increased with the number of working parents. The establishment of a private preschool utilizing the Hawaiian Immersion Technique has its own special place in the community.

The use will not substantially alter or change the essential character of the land and the present use. Upon approval of the request, the preschool will be conducted in the lower level of an existing structure. The upper portion will remain as a single family dwelling and be rented. Because of the small scale of the project, the rural atmosphere will be maintained and there will be no significant change in the character of the land.

The land upon which the proposed use is sought is not unsuitable for the uses permitted within the district, however, the proposed use will not interfere with permitted uses.

The proposed use is consistent with the goal of the Land Use Element of the General Plan which is to "Designate and allocate lands 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."

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 for the conversion of the first floor level of the dwelling into the proposed preschool facility 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, fire protection measures, paved parking stalls and paved driveway and drop-off area associated with the proposed use. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted. Parking for all functions shall be maintained on the subject property. Plans shall also indicate additional landscaping along the adjacent north and south property boundaries to mitigate any visual or noise impacts generated by the preschool, play area and parking lot.
3. The proposed preschool shall be established (certificate of occupancy) within one year from the date of receipt of Final Plan Approval.
4. The preschool facility shall be limited to sixteen (16) children. Hours of operation shall be limited to Monday through Friday, 7:30 to 5:00 p.m.
5. Driveway access shall meet with the approval of the Department of Public Works.
6. The applicant shall comply with all other laws, rules, regulations and requirements.
7. 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

Ms. Ululani Morales
February 11, 1993
Page 4

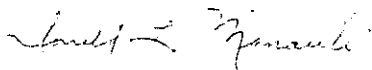
extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.

8. 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 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 Rodney Nakano or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



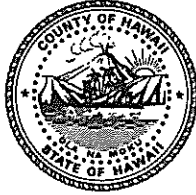
Donald L. Manalili, Chairman
Planning Commission

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xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Kona
West Hawaii Office
State Land Use Commission
Plan Approval Section

Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL
P 364 319 994

November 8, 1995

L. Ululani Morales, Sites Coordinator
'Aha Pūnana Leo, Inc.
1744 Kinoole Street
Hilo, HI 96720

Dear Ms. Morales:

Special Permit No. 835

Applicant: 'Aha Pūnana Leo, Inc.

Request: Amendment to Condition No. 4 (Increase Enrollment to 30 Children)

Tax Map Key: 7-8-7:45

The Planning Commission at its duly held public hearing on October 25, 1995, voted to approve the above-referenced request. Special Permit No. 835 allowed the establishment of a Hawaiian Language Immersion Program Day Care Facility on approximately 0.69 acre of land situated within the State Land Use Agricultural District. The amendment is to allow an increase in the maximum enrollment from 16 to 30 students. The property is located on the makai side of the Old Mamalahoa Highway, approximately 2000 feet south of the old Keauhou School site, Keauhou, North Kona, Hawaii.

Approval of this request is based on the following:

The applicant proposes to increase the enrollment of the school from 16 children to a maximum enrollment of 30 children. The hours of operation would remain the same from Monday through Friday, 7:30 to 5:00 p.m. The applicant had originally intended to rent the upper portion of the structure as a residence to a family of 6; however, the plans changed and the upper level of the existing two-story structure has never been rented. Based on the representation that the upper level would be rented, the applicant was limited to 16 children due to Department of Health requirements. As a result of the changes, the Police Department, Health Department, Department of Water Supply and the Department of Public Works expressed no objections to the proposed increase in student enrollment.

Approval of this request would not be contrary to the General Plan or the Zoning Code. The amendment to Condition No. 4 would not be contrary to the original reasons for granting the Special Permit. The request is consistent with the Land Use Element of the General Plan which states to, "Designate and allocate lands in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and

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to "...encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment." The applicant, in its request, stated the following:

- "1. The maximum occupancy capacity of this site was set at twenty-six (26) people due to the waste water calculation which included the use of the four bedroom dwelling in the upper level of this house.
2. The current occupancy total at this preschool is twenty (20) people; Sixteen (16) students, three (3) teachers and one (1) director.
3. Six (6) people were designated to live in the upper level of the two-story house, however, it was decided by the 'Aha Punana Leo, Inc. that the upper level would not be used as a permanent dwelling and has not been used as such since we obtained the lease for this site in 1992.
4. The existing parking area has one (1) handicap stall and four (4) regular parking stalls. An unpaved area, approximately 51' x 45', has been cleared for additional parking that will eventually be paved as finances become available.
5. The driveway has also been widened by an additional six (6) feet and can now accommodate two-way traffic.
6. The flow of traffic in this area should not significantly be affected as mentioned in the initial proposal. Though the preschool opens at 7:30 a.m., school session begins at 8:30 a.m. and drop-off of the children should be spread out. Afternoon traffic should not pose to be a problem due to the staggered hours available for pickup. The school closes at 5:00 p.m. and the children can be picked up after 3:00 p.m.
7. The physical facility standards are within building codes and can easily accommodate thirty (30) children as per the Department of Human Services (DHS), Kona Office, Child Care Services."

Based on the above findings, the request to increase enrollment is hereby approved. In accordance with the Department of Health letter to the applicant that the existing structure not be used as a dwelling, a new Condition No. 2 is being included to limit the existing structure to use by the preschool. Also, approval of the amendment request is reflected in a revised Condition No. 4.

Amendments to Special Permit No. 835 are subject to the conditions as follows:
(Material to be deleted is bracketed, and material to be added is underscored):

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The second floor of the dwelling shall be limited to use by the preschool and not be used as a single family dwelling.

- [2]3. Final Plan Approval for the conversion of the first floor level of the dwelling into the proposed preschool facility shall be secured from the Planning Department. 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, fire protection measures, paved parking stalls and paved driveway and drop-off area associated with the proposed use. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted. Parking for all functions shall be maintained on the subject property. Plans shall also indicate additional landscaping along the adjacent north and south property boundaries to mitigate any visual or noise impacts generated by the preschool, play area and parking lot.
- [3]4. The proposed preschool shall be established (certificate of occupancy) within one year from the date of receipt of Final Plan Approval.
- [4.]5. The preschool shall be limited to [sixteen (16)] thirty (30) children. Hours of operation shall be limited to Monday through Friday, 7:30 to 5:00 p.m.
- [5.]6. Driveway access shall meet with the approval of the Department of Public Works.
- [6.]7. The applicant shall comply with all other laws, rules, regulations and requirements.
- [7.]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.
- [8.]9. 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 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.

L. Ululani Morales, New Sites Coordinator
'Aha Pūnana Leo, Inc.
Page 4

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,

Edward E. Crook, Chairman

Edward E. Crook, Chairman
Planning Commission

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cc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
State Land Use Commission
Plan Approval Section