

CERTIFIED MAIL

October 21, 1988

Mr. William Barchet
P. O. Box 561
Holualoa, HI 96725

Dear Mr. Barchet:

Use Permit Application
Applicant: Pali Uli School
Tax Map Key: 7-9-11:12

The Planning Commission at its duly held public hearing on October 18, 1988, voted to approve your application, Use Permit No. 63, to allow the establishment of a school (K-2) within the Neighborhood Commercial (CN) zoned district at Honuaino 4th, North Kona, Hawaii.

Approval of this request is based on the following:

The granting of the proposed use will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan. The establishment of a school grades K-2 within the Neighborhood Commercial zoned district may be permitted through the granting of a use permit. One of the goals in the Land Use Element of the General Plan is to "Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural, and physical environments of the County." A private school within this area would offer a viable educational alternative to the residents of the Kona area. The proposed site is conveniently serviced by all essential utilities and services and no additional structures will be needed to accommodate the school. Thus, the granting of this request would be in the direction of fulfilling the land use policy of the General Plan which is to promote and encourage the utilization of urban areas which are serviced by basic community facilities and utilities.

The proposed school will not be materially detrimental to the public welfare nor cause substantial adverse impact to

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the community's character or to surrounding properties. With the exception of surrounding vacant lands, the character of the area is urban in nature. Commercial shops and offices are located across (mauka) the Highway. Shojin Natural Foods and the Hawaii Preparatory Academy-Kona Extension are within the general vicinity of the project site. Although not legally established, the Kona Kiddie College had previously used the complex. Minimal site work will be required to provide for the establishment of the school. This approval is conditioned upon the applicant conforming to current Uniform Building and Fire Codes and the requirements of the Department of Health.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. One other private school (HPA) is in this area. The proposal is not expected to be detrimental to existing school facilities. In this regards, the Department of Education had no comments to make on the application.

The granting of the proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure. The property is provided with all essential utilities and services. Since the subject property is on the main Highway, any increase in this area is expected to be quite negligible except during brief periods before and after work shifts. This section of Mamalahoa Highway has a 50-foot wide right-of-way. It should be noted that no objections were raised by any of the cooperating agencies.

Approval of this request is subject to the following conditions:

1. The petitioner shall comply with all of the stated conditions of approval.
2. The petitioner shall submit the required water commitment deposit to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety days from the date of approval of this permit. The permit shall become effective after the water commitment payment has been accepted by the Department of Water Supply.

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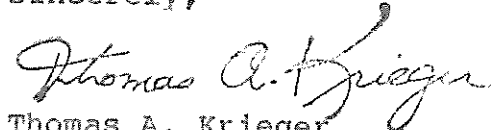
3. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify classrooms, office space and parking stalls. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted.
4. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
5. Buildings shall conform to current Building and Fire Codes for occupancy type.
6. Comply with all other applicable laws, rules, regulations and requirements, including those of the State Department of Health and the Department of Public Works.
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 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.
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

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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

bcc: Plan Approval Section