



Planning Commission

Larry S. Tanimoto
Mayor

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

CERTIFIED MAIL

June 4, 1990

Mitchell and Joanne Fujisaka
75-236 Aloha Kona Drive
Kailua-Kona, HI 96740

Dear Mr. and Mrs. Fujisaka:

Use Permit Application
Tax Map Key: 7-5-23:6

The Planning Commission at its duly held public hearing on May 24, 1990, voted to approve your application, Use Permit No. 76, to allow the establishment of group child care services within an existing single family dwelling on a 7,500 square foot lot within the Unplanned (U) district, at Hienaloli, 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 group child care center on a property designated "Urban" by the State Land Use Commission and situated within the County's Unplanned (U) zoned district may be permitted through the granting of a Use Permit. The Land Use Element of the General Plan states as a goal to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County." The granting of this request will still maintain the present environment of this area of Kailua. The property is located in close proximity to the commercial core of Kailua and establishing a group child care center at this site would provide an essential and convenient service to those employed within the Kailua Village area. Therefore, the granting of this request would also be in the direction of fulfilling a policy of the General Plan in which "The County shall encourage the development and maintenance of communities meeting the needs of

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its residents in balance with the physical and social environment."

The proposed use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties. The location of the center within the lower level of the existing dwelling and the number of children that would be accommodated by this service would preclude any major impact to the residential character of this community or to surrounding properties.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. While child care services are available in the region, the small number of children to be accommodated by the proposed center is not expected to adversely affect those services.

The small scale of this group child care center 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. Access to the site is from Aloha Kona Drive which has a pavement width of 18 feet and shoulder width of approximately 5 feet; therefore, the applicants will be required to provide an on-site location for loading/unloading purposes.

Approval of this request is subject to the following conditions:

1. The applicants, successors, or assigns shall comply with all of the stated conditions of approval.
2. Final Plan Approval for the proposed development and related improvements shall be secured from the Planning Department within one year from the effective date of the permit. Plans shall identify on-site parking and drop-off area. 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.
3. Building permit(s) for the renovation of the lower level of the existing dwelling to allow a change in occupancy shall be secured within one year from the date of receipt of

Final Plan Approval and be completed (certificate of occupancy) within one year thereafter;

4. Access and drainage shall comply with the approval of the Department of Public Works.
5. The group child care center will be restricted to no more than twelve children. The hours of operation shall be between 6:30 a.m. and 4:30 p.m., Monday through Friday.
6. Comply with all other applicable 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 permits. 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. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, 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.

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

Sincerely,



Fred Y. Fujimoto
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
Department of Health

bcc: Plan Approval Section