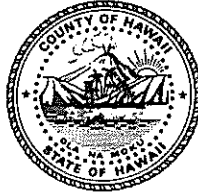


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

#### CERTIFIED MAIL

April 22, 1993

Mr. George Yokoyama, Executive Director  
Hawaii County Economic Opportunity Council  
34 Rainbow Drive  
Hilo, HI 96720

Dear Mr. Yokoyama:

Change of Zone Application (REZ 92-23)

Use Permit No. 110

Applicant: Hawaii County Economic Opportunity Council

Requests: Open to A-la Zoning Designation and Construction and  
Establishment of a Pre-School and Related Improvements

Tax Map Key: 1-5-67:Portion of 35

The Planning Commission at its duly held public hearing on April 15, 1993, reviewed and acted on the above applications for a Change of Zone and approved Use Permit No. 110 for the described property. The Commission voted to recommend the approval of the Change of Zone application to the County Council and approved Use Permit No. 110 to allow the construction and establishment of a pre-school and related improvements. The project site is located at the northwest (mauka-Hamakua) corner of the Puni Makai-Moana Street intersection within the County Park in the Hawaiian Beaches Subdivision, Waiakahiula, Puna, Hawaii.

Approval of the Change of Zone application is subject to the following conditions:

- A. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Comply with the conditions of approval of the accompanying Use Permit.
- C. Comply with all other applicable laws, rules, regulations and requirements.

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- D. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- E. Should any of the conditions within this ordinance not be met or substantially complied with in a timely fashion, the Director shall initiate rezoning of the area to its original or more appropriate designation.

Approval of Use Permit No. 110 is based on the following:

The granting of this request 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 preschool within the State Land Use Urban District (should the accompanying change of zone request be approved) and the County's Agricultural-zoned district may be permitted through the granting of a Use Permit. The site is within an area designated for Low Density Urban uses by the General Plan Land Use Pattern Allocation Guide (LUPAG) map, which would allow for uses which are single family residential in character, ancillary community and public uses, and convenience-type commercial uses. The proposed use would be consistent with the Low Density Urban designation. Mindful of the type of services the applicant will provide to residents within the region, the proposed use will complement the Land Use Element of the General Plan 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 to ". . . encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment."

The desired use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or surrounding properties. The proposed preschool facility will accommodate approximately 100 children and 8 full and part-time staff members during its operating hours of 7:00 a.m. to 5:00 p.m., Monday thru Friday. The subject property presently accommodates a softball and football field, basketball court, pavilion, volunteer fire engine garage, comfort station and parking facilities. The subject property has evolved into a focal point for community-based activities and facilities. Therefore, the establishment of a pre-school facility on the project site would further compliment the service-oriented nature of the property. However, to ensure

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that any potential noise or visual impacts to surrounding properties are adequately mitigated, appropriate landscaping will be recommended as a condition of approval.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. While pre-schools and day care facilities are located within the region, none of these facilities are known to accommodate any Head Start program, which would accommodate children from qualifying low-income families.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection, and other related infrastructure. Nor would the proposed use be materially detrimental to the public welfare. Water is available to the subject property. Water for fire fighting purposes will be recommended as a condition of approval. Wastewater disposal will be accommodated by a septic system.

Access to the project site are provided by County-maintained roadways which provide adequate, two-way traffic to the area. According to a traffic impact analysis report for the proposed facility, "the proposed facility will add a moderate degree of morning peak hour traffic which the existing roads are adequate to handle. The impact from noon and afternoon traffic generated will be negligible. The one way front entry loading area eliminates the need for a left turn lane." The report's only recommendation is to provide student crossing markings and signage at the Puni Makai-Moana Street intersection. The Department of Public Works had no objections to the proposed change of zone. Signage and marking of area roadways are recommended as a condition of approval.

Approval of Use Permit No. 110 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. This Use Permit shall become effective upon the effectuation of the accompanying change of zone.
3. Final Plan Approval of the proposed preschool facility shall be secured from the Planning Department. Plans shall identify existing and proposed structures, fire protection measure(s) and parking stalls associated with the proposed

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use. Parking shall comply with the requirements of Chapter 25 (Zoning Code). Plans shall also indicate appropriate landscaping for the purpose of mitigating any potential noise and visual impacts to surrounding properties.

4. Construction of the proposed preschool facility shall be completed and a certificate of occupancy issued within five years from the effective date of the Use Permit.
5. Driveway accesses to Puni Makai and Moana Streets shall meet with the approval of the Department of Public Works. Appropriate signage and roadway markings shall be provided by the applicant prior to the issuance of a certificate of occupancy for the preschool facility.
6. Comply with all other laws, rules, regulations and requirements.
7. Upon compliance with all conditions of approval, in conjunction with the application for a certificate of occupancy and prior to the opening of the pre-school, the applicant shall provide, in writing, a final status report to the Planning Department.
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.

The Change of Zone recommendation and the approval of Use Permit No. 110 do not, however, sanction the specific plans submitted with the applications as they may be subject to change given specific code and regulatory requirements of the affected agencies.

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Should you have any questions regarding the above, please feel free to contact Rodney Nakano or Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman  
Planning Commission

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LCount01.PC

xc: Honorable Stephen K. Yamashiro, Mayor  
Planning Director  
Department of Public Works  
Department of Water Supply  
Plan Approval Section