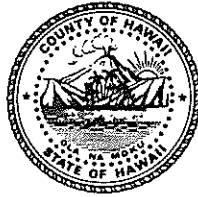


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL

September 8, 1993

Ms. Michelle Higa, Board Member
Aloha Missions, Inc. dba Haumana
Christian School
PO Box 430
Keaau, HI 96749

Dear Ms. Higa:

Use Permit Application (USE 93-8)

Applicant: Aloha Missions, Inc. dba Haumana Christian School

Request: Establish an Educational Facility for Grades One

Through Twelve in an Existing Church and Related Improvements

Tax Map Key: 2-2-41:114 (Trinity Community Church Site)

The Planning Commission at its duly held public hearing on August 26, 1993, voted to approve the above-referenced application. Use Permit No. 113 is hereby issued to establish an educational facility at Trinity Community Church. The property is located on the mauka side of Kanoelehua Avenue approximately 700 feet from its intersection with Kawailani Street and 900 feet from its intersection with E. Kahaopea Street, Waiakea Homesteads, Waiakea, South Hilo, Hawaii.

Approval of this request 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 an educational facility on a parcel located within the State Land Use Urban District and the County's Single Family Residential-zoned district may be permitted through the granting of a Use Permit. The site is within an area designated for Single Family Residential-10,000 square feet (RS-10) by the Hilo Community Development Plan and Low Density Urban by the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The General Plan LUPAG Map designation of Low Density Urban would allow for uses which are single family residential in character, ancillary community and public uses, and convenience-type commercial uses.

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The proposed use would be consistent with the Low Density Urban designation. Mindful of the type of service the applicant will provide to area residents, 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 use will utilize existing facilities provided by the Trinity Community Church during weekday hours from 7:30 a.m. to 3:30 p.m. The use of the existing church facilities during these hours would not conflict with the single family residential uses which surround the subject property or the character of the area by limiting the proposed use to working hours. To accommodate possible extracurricular activities which may occur at the facility, operation of the educational facility will be limited to the hours from 7:00 a.m. to 6:30 p.m., weekdays. To further ensure that surrounding properties are not impacted by the proposed use, it is recommended that an explicit restriction of evening activities related to the educational facility use and a monitoring of complaints and its disposition be included within the conditions of approval. Plans submitted by the applicant indicates a play area within the existing paved parking area. This play area will be located adjacent to the existing church facility within the southern portion of the subject property. To ensure that activities within this play area does not have any adverse noise or visual impact to adjoining residential areas, it is recommended that additional landscaping be provided along the property's southern and western boundaries.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. A Use Permit has never been granted by the Planning Commission for a similar use within the South Hilo region. As stated by the applicant, the proposed educational facility was previously located at the Henry Opukahaia Campus in Keaau until its recent closing. The applicant is in the process of relocating its program to other facilities, such as the Trinity Community Church. Therefore, granting of this Use Permit would simply allow the applicant to relocate an existing educational program which has not previously demonstrated any adverse impact to similar uses within the region.

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. Water is available to the subject property. Primary access to the project site is via Kanoelehua Avenue, which is a divided highway having a pavement width of 24 feet within a 120-foot wide right-of-way. Access to the property along Kanoelehua Avenue is restricted to right-turns in and right-turns out only. This limited traffic movement would preclude any adverse impact to traffic flow along Kanoelehua Avenue, especially during morning peak traffic hours. The Department of Transportation has recommended that the applicant provide guardrails, if necessary; street light at the project site's Kanoelehua Avenue entrance and a loading/unloading area within the project site. As recommended by the Department of Transportation, an appropriate student loading/unloading area shall be designated on plans submitted for Plan Approval review. We also recommend that guardrails, if required, be installed prior to the establishment of the educational facility. We are recommending, however, that the installation of a street light at the project site's Kanoelehua Avenue entrance not be required. The proposed use will be limited to daylight hours. Therefore, a street light will serve no useful purpose for the educational facility. It would be unfair to require the applicant to assume the cost of installing a street light to accommodate evening activities which may be generated by the existing church use. Wastewater will be disposed of in a manner meeting with the approval of the Department of Health. All other utilities or facilities are or will be made available to support the proposed use.

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 of the educational facility shall be secured from the Planning Director. Plans shall identify existing structures, play area, student loading/unloading area, parking stalls associated with the proposed use and landscaping along the property's southern and western property boundaries. Parking shall comply with the requirements of Chapter 25 (Zoning Code). Landscaping shall be provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties which may be generated by the proposed play area. Landscaping shall be provided to the extent that a continuous, unbroken, heavy

planting screen, no less than 6 feet in height, is established prior to the issuance of a certificate of occupancy.

3. The educational facility shall be established (certificate of occupancy) within two (2) years from the effective date of this permit.
4. Driveway access from Kanoelehua Avenue shall meet with the approval of the Department of Transportation.
5. If required, the applicant shall install guardrails along the subject property's Kanoelehua Avenue frontage in a manner meeting with the approval of the Department of Transportation, prior to commencing operation of the proposed educational facility.
6. The educational facility shall be limited to the operational hours from 7:00 a.m. to 6:30 p.m., weekdays. Evening activities related to the educational facility shall be prohibited.
7. The educational facility shall be limited to a maximum of 60 students.
8. Comply with all other laws, rules, regulations and requirements, including those of the Department of Health and the Department of Public Works-Building Division.
9. 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, and a detailed listing of public complaints or problems and their disposition. If the applicant fails to comply with the conditions of approval or is unable to resolve any public complaint(s), the Planning Director shall investigate and, if necessary, enforce the appropriate conditions. The Planning Director may, as part of any enforcement action or remedial effort, refer the matter to the Planning Commission for review. Upon appropriate findings by the Planning Commission that the applicant has failed to comply with the conditions of approval or has caused an unreasonable adverse impact on surrounding properties, the permit may be suspended or revoked. This condition shall remain in effect until all of the conditions of approval have been complied with and the

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Planning Director acknowledges that further reports are not required.

10. 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) 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 Planning 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 Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

RKN:jdk
LAloha01.PC

xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
Department of Transportation
Department of Health
County Real Property Tax Division - Hilo
Plan Approval Section