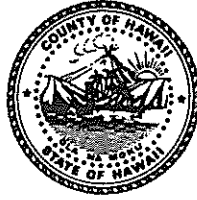


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
Z 095 323 589

May 31, 1996

Jeffrey Melrose, Senior Planner
Hawaii Island Region
Kamehameha Schools Bernice Pauahi Bishop Estate
101 Aupuni Street, Suite 227
Hilo, HI 96720

Dear Mr. Melrose:

Use Permit Application (USE 96-2)
Applicant: Kamehameha Schools Bishop Estate
Request: Preschool Classroom and Related Uses
Tax Map Key: 4-3-1:Portion of 3

The Planning Commission at its duly held public hearing on May 22, 1996, voted to approve the above application. Use Permit No. 144 is hereby issued to allow the establishment of a preschool within an existing building and related uses. The property is located on the mauka side of Mamalahoa Highway, to the west and in the vicinity of Pa'auilo Post Office at Pa'auilo, Hamakua, Hawaii.

Approval of this request is based on the following:

In considering a Use Permit for any proposed use, Rule 7 of the Planning Commission relating to Use Permits, requires that such action conform to the following guidelines:

- (A) The proposed use will still be consistent with the general purpose of the zoned district, the intent and purpose of this chapter, and the County General Plan;
- (B) 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;
- (C) The proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region; and

05653

MAY 31 1996

- (D) 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 proposed preschool and related improvements will still 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 and related improvements by Kamehameha Schools Bishop Estate (KSBE) in the County's Village Commercial-10,000 square foot (CV-10) zoned district and the State Land Use Urban District may be allowed through the granting of a Use Permit. The General Plan designates the area for Medium Density Urban which allows for village and neighborhood commercial and residential and related functions (3-story commercial; residential - up to 35 units per acre). Immediate areas along the Mamalahoa Highway are designated Medium Density Urban which is also surrounded by Low Density Urban development. Thus, the proposed preschool use will be consistent with the area which would allow for a range of uses that are compatible with existing uses. The proposed development will complement the following goals and policies of the General Plan:

Land Use Element

- * Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- * Promote and encourage the rehabilitation and use of urban and rural areas which are serviced by basic community facilities and utilities.
- * The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

The granting of 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 proposed preschool will be located in a portion of the Old Pa'auilo Sugar Company Manager's House. The structure is located on the northwestern portion of the subject property on a slight hill and surrounded by a large landscaped and grassed lawn. The house was previously used as administrative offices for the Hamakua Sugar Company until their bankruptcy in 1992 and subsequent purchase by KSBE in 1994. The Manager's House is presently being used by a security company. The character of the immediate community is presently residential and commercial with surrounding agricultural lands. The proposed preschool is expected to fit well into the community environment and not expected to cause substantial adverse impact to the community's character 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. KSBE does not have another preschool site in the area. For the last ten years, KSBE has undertaken efforts to develop and expand preschool opportunities island wide for four-year old Hawaiian children. The establishment of the preschool will enhance opportunities for Hawaiian children to participate

Jeffrey Melrose, Senior Planner
Hawaii Island Region
Kamehameha Schools Bernice Pauahi Bishop Estate
Page 3
May 31, 1996

in a quality early-education program which is financed, in large part, by Bernice Pauahi Bishop's estate. As such, the proposed preschool and related improvements is not anticipated to adversely affect similar uses within the surrounding community or region.

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. Access to the preschool would be from the Mamalahoa Highway onto a driveway that services Earl's Snack Shop and the Pa'auilo Post Office. A private 10-foot wide separate entry drive extends for about 500 feet to the Manager's House. The existing entry driveway is paved and, according to the applicant, will be maintained. The applicant also proposes to construct three pull-off areas along the driveway to accommodate two-way traffic. A condition is being included for these improvements as well as to require that all driveways and parking areas be paved with chipseal, asphalt or asphalt-concrete. All other services and utilities are or shall be made available to the subject property. In addition, agencies had no objections to the proposed preschool and related improvements.

Approval of this request is subject to the following conditions:

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury and death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.
3. The preschool and related improvements shall be established within three (3) years from the effective date of this Use Permit. Prior to the establishment of the preschool, Final Plan Approval, pursuant to Section 25-242 of the Zoning Code, shall be secured from the Planning Director. Plans shall identify existing and proposed structures and playground areas, fire protection measures, paved driveways and paved parking stalls (chipseal, asphalt or asphalt-concrete), pull-outs along the driveway and landscaping associated with the proposed uses.
4. The preschool shall be limited to twenty (20) children.
5. Comply with applicable laws, rules, regulations and requirements of other affected agencies for approval of the project.
6. The applicant shall submit a final status report, in writing to the Planning Director, upon compliance with all conditions of approval and prior to the opening of the preschool operations.
7. An extension of time for the performance of conditions of the permit may be granted by the Planning Director upon the following circumstances:

Jeffrey Melrose, Senior Planner
Hawaii Island Region
Kamehameha Schools Bernice Pauahi Bishop Estate
Page 4
May 31, 1996

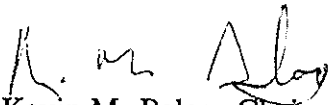
- A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
- B. Granting of the time extension would not be contrary to the General Plan or the Zoning Code.
- C. Granting of the extension would not be contrary to the original reasons for the granting of the permit.
- 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).

Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may 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 Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman
Planning Commission

AK:syw

LKameh01.PC

cc: Honorable Stephen K. Yamashiro, Mayor
Department of Public Works
Department of Water Supply
County Real Property Tax Division