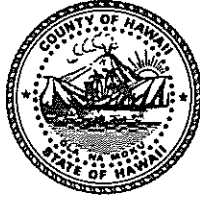


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

CERTIFIED MAIL  
Z 095 323 469

September 6, 1996

Jeffrey M. 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 96-7)  
Applicant: Kamehameha Schools Bishop Estate  
Request: Establishment of a Preschool at Pu'ula Church  
Tax Map Key: 1-4-51:115

The Planning Commission at its duly held public hearing on August 23, 1996, voted to approve the above-referenced application. Use Permit No. 148 is hereby issued to allow the temporary use (two years) of the Pu'ula Church's facilities for a center based preschool program on a parcel containing approximately 48,390 square feet and within the County's Single Family Residential (RS-10) zoned district. The project site is located in Nanawale Estates Subdivision at the corner of Church Road and Kehau Street at Puua, Puna, 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

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- (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 continued preschool use 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 and continued preschool use by Kamehameha Schools Bishop Estate (KSBE) in the County's Single Family Residential (RS-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 Low Density Urban Development which allows for single family residential in character, ancillary community and public uses and convenience type commercial uses. The preschool use would be consistent with the Low Density Urban designation. The preschool use has been in existence at the Pu'ula Church facilities since 1992 under the previously approved Use Permit No. 107. The use 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 preschool use will continue to utilize the existing Pu'ula Church facilities for a period of approximately two (2) years with hours of operation from 7:30 a.m. to 3:30 p.m., Mondays through Fridays. The preschool was in existence since 1992 and has fit well into the community environment. KSBE recently purchased a property in the Pahoia area to construct a permanent preschool site to serve the Lower Puna region. Plans are underway for construction and renovation of the new facility, but occupancy may not occur until September 1998. When the new site is fully operational, it is KSBE's plans to vacate the Pu'ula facility and terminate the proposed use. Therefore, it is 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 immediate area. For the last ten years, the Trustees of KSBE has undertaken efforts to develop and expand preschool opportunities islandwide and statewide to serve Hawaiian children. The establishment of the preschool will enhance opportunities for Hawaiian children to participate in a quality early-education program which is financed, in large part, by Bernice Pauahi Bishop Estate. As such, the proposed preschool use 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. Primary access to the project site is via Kehau Street. Existing access to the preschool is via Holiday Road only, which has a 40-foot wide right-of-way with 18-foot wide pavement. Water is available to the subject property. Wastewater generated by the preschool use will be disposed of within the existing cesspools. All other services and utilities are available to the subject property. In addition, agencies had no objections to the continued preschool use.

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 use shall be established within one (1) year 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 (if any) structures, fire protection measures, paved driveways and paved parking stalls (chipseal, asphalt or asphalt-concrete) and landscaping associated with the proposed use.
4. The hours of operation shall be limited between 7:30 a.m. and 3:30 p.m., Mondays through Fridays.
5. The life of this permit shall not exceed a period of five (5) years from the date of approval of this permit or until a new facility is permitted and constructed in Pahoa, whichever occurs first.
6. Comply with applicable laws, rules, regulations and requirements of other affected agencies for approval of the project.
7. 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.
8. An initial extension of time for the performance of conditions within the permit, with the exception of Condition No. 5, may be granted by the Planning Director upon the following circumstances:

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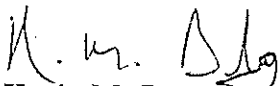
- A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
- B. Granting of the time extension would not be contrary to the General Plan or the Zoning Code.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

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