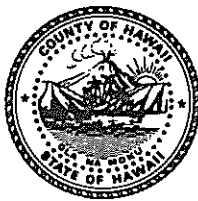


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
Z 179 517 422

MAY 28 1998

Pastor Harold Heard
Pu'ula United Church of Christ
RR3 Box 2258
Pahoa, HI 96778

Dear Pastor Heard:

Use Permit Application (USE 98-2)
Applicant: Pu'ula United Church of Christ
Request: Establish a Preschool
Tax Map Key: 1-4-51:115

The Planning Commission at its duly held public hearing on May 15, 1998, voted to approve the above-referenced application. Use Permit No. 175 is hereby issued to allow the establishment of a preschool at the existing Pu'ula Church facilities, situated within the County's Single Family Residential (RS-10) zoned district. The property 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, the Hawaii County Zoning Code, Section 25-2-65, requires that such action conform to the following guidelines:

- (A) The granting of the proposed use shall be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan;
- (B) The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character, to surrounding properties; and
- (C) The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

C5080

MAY 28 1998

The granting of the proposed use shall 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 use of the subject property as a preschool 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 subject property has previously been used by the Kamehameha Schools Bernice Pauahi Bishop Estate (KSBE) as a preschool since 1992 under the previously approved Use Permits No. 107 and 148. The uses were terminated in December 1997 when KSBE relocated to a new site. The continued use of the property as a preschool 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 shall not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties. The preschool will continue to utilize the existing Pu'ula Church facilities, with hours of operation from 7:00 a.m. to 5:00 p.m., Mondays thru Fridays. The subject site was used as a preschool since 1992 and has adapted well into the community. No new building construction are being planned by the church. In addition, no complaints have been received by the Planning Director regarding the use. The KSBE preschool has moved to Pahoia Town, as such, the proposed preschool will not impact similar uses in the immediate area. Therefore, the proposed use is not expected to cause substantial adverse impact to the community's character or to surrounding properties.

The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, school improvements, police and fire protection and other related infrastructure. The subject property has frontage along Kehau Street with access from both Church and Holiday Roads. Existing access to the preschool is via Holiday Road only, which has a 40-foot wide right-of-way with an approximately 16-foot wide pavement. Adequate parking is also available on site for the preschool. 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. However, 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.

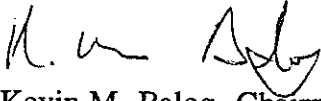
1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
2. The preschool use shall be established within one (1) year from the effective date of this Use Permit. Prior to the establishment of the preschool, Final Plan Approval, pursuant to Section 25-2-72 of the Zoning Code, shall be secured from the Planning Director. Plans shall identify existing and proposed structures/improvements, fire protection measures, paved driveways and paved parking stalls (chipseal, asphalt or asphalt-concrete) and landscaping associated with the proposed use. In conjunction with Final Plan Approval, the applicant shall also submit documentation that Final Building Inspection has been secured from the Building Division, Department of Public Works for applicable permits regarding the preschool conversion.
3. The hours of operation shall be limited between 7:00 a.m. and 5:00 p.m., Mondays through Fridays.
4. Comply with applicable laws, rules, regulations and requirements of other affected agencies for approval of the project, including Department of Public Works and Department of Health.
5. 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.
6. 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. 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).

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.

Pastor Harold Heard
Page 4

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

LPuula01.PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Kazu Hayashida, Director/DOT-Highways, Honolulu
Department of Health