Planning Commission

Bernard K. Akana
Mayor

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

December 13, 1990

Dr. Thomas Chen, M.D.
1028 Kinoole Street
Hilo, HI 96720

Dear Dr. Chen:

Amendment to Condition No. 4
of Use Permit No. 23
Tax Map Key: 2-2-20:11

The Planning Commission at its duly held public hearing on November 29, 1990, voted to approve your request to amend Condition No. 4 (Restriction of two doctors) of Use Permit No. 23 which allowed the establishment of doctors' offices on 19,724 square feet of land situated within the Single Family Residential - 10,000 square foot (RS-10) zoned district at Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

The lifting of the restriction on doctors will be consistent with the intent and purpose of the Zoning Code and the County General Plan. The medical office has already been established on property designated "Urban" by the State Land Use Commission and situated within the County zoned Single Family Residential zone district. It is felt that even without limiting the number of doctors who utilize the facility, the project at this particular location would still maintain the present environment of this area of Hilo. The property is located in close proximity to existing commercial establishments in the area as well as the commercial core of Hilo. Expanding the medical office facility at this site would provide an essential and convenient service to those employed within downtown Hilo as well as the surrounding residential areas. Therefore, the granting of this request would also be in the direction of fulfilling a policy of the General Plan in which "The County shall encourage the development and maintenance of communities meeting the needs

DEC 13 1990

of its residents in balance with the physical and social environment."

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. While the subject property is zoned for single family residential uses, the general character of surrounding properties along Kinoole Street is commercial in nature. Sun Sun Lau Restaurant is located directly across the property on land zoned for General Commercial (CG) uses. A furniture store, service station, convenience store, dry cleaner and schools are other uses located in close proximity to the subject property. By lifting the restriction on the number of doctors, the limiting factor will be the ability to provide adequate on-site parking for the facility. As stated previously, this area in the City of Hilo is considered to be an expansion of the commercial core.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. The expansion of this medical office would offer a broader range of medical care to the residents of the region and is not expected to adversely affect existing medical establishments.

The expansion of this medical office facility will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure. The property is provided with all essential utilities and services. Commenting agencies had no objections to the proposed development.

Approval of this request is subject to the following amended conditions (Material to be deleted is bracketed with material added underscored):

1. The [petitioner] <u>applicants</u>, successors, or assigns shall comply with all of the stated conditions of approval.

2. [Plans of the doctor's office and related improvements shall be submitted for Plan Approval within one year from the effective date of the Use Permit.] <u>Final Plan</u>

Approval for the expansion of the medical office facility shall be secured within one year from the effective date of this amendment. Plans shall include all existing and proposed structures, parking associated with the development, landscaping and the total number of doctors and staff utilizing the proposed facility. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured.

3. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter;

[4. The doctor's office shall be used by a maximum of 2 doctors and the staff. The word "staff" shall not be construed to include other medical doctors.]

[5]4. A drainage system in accordance with the requirements of the Department of Public Works shall be installed.

[6]5. Access to the property shall be provided meeting with the approval of the Department of Public Works.

[7]6. In the design and review of the proposed development, due consideration for any potential visual impact shall be required. This consideration shall entail the minimization of adverse visual impact through the appropriate siting, height, bulk, color schemes, signage and landscaping.

[8]7. All other applicable rules, regulations, and requirements shall be complied with.

[9]8. [Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the Use Permit shall be void.] An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permits. 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. This condition shall remain in effect until all of the conditions of approval

have been complied with and the Planning Director acknowledges that further reports are not required.

9. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, 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.

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.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,

Fred Y. Fujimoto
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division

bcc: Plan Approval Section