CERTIFIED MAIL

September 4, 1987

Mr. Steve Whittaker
74-5602 Alapa Street
Kailua-Kona, HI 96740

Dear Mr. Whittaker:

Use Permit Application
Petitioner: Wiley Enterprises, Inc.
TMK: 7-4-10:2

The Planning Commission at its duly held public hearing on August 25, 1987, voted to approve your application, Use Permit No. 51, to allow the establishment of a major recreational use (racquetball courts) in an existing industrial building situated within the General Industrial (MG) zoned district, Kailua Industrial Subdivision, Kailua-Kona, Hawaii.

Approval of this request is based on the following:

The area under consideration is the Kailua Industrial area which is the site of numerous industrial and related activities. The lots in the area have been extensively developed and have already established the character of the area as being of one of a service industrial use area. The proposed use will not adversely affect this character since the major impacts of the proposed use would be noise generated, traffic encouraged, and parking required. Given the industrial nature of many of the uses in the area, any additional noise created would not adversely affect surrounding land uses. The traffic generated can be readily accommodated since the area has been developed to current standards.

Off-street parking had been previously identified as one area of potential problem. However, with the new paved parking areas on the makai side of the development and the restriping of the existing parking stalls, the establishment of this use on

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the property should not pose any additional off-street parking for the development on this property. Nevertheless, a condition of approval shall be that the necessary off-street parking will be provided for this use. With this in mind, it is determined that the request will not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding uses and properties; nor would they adversely affect similar or related existing uses within the surrounding area, community or region.

All essential utilities and services are available to the subject property. Therefore, it is determined that the proposed use will not place any unusual burden on any public agencies to provide additional public facilities or services.

Finally, given the above findings, and the General Plan Recreational element goal to "Provide a wide variety of recreational opportunities for the residents of the County," it is determined that the proposed use is consistent with the General Plan, and the intent and purpose of the Zoning Code.

Approval of this request is subject to the following conditions:

1. The petitioner, its assigns or successors, shall be responsible for complying with all stated conditions of approval.

2. The plans for the proposed racquetball court use and improvements shall be submitted for Final Plan Approval within one year from the effective date of approval of this Use Permit.

3. Construction of the proposed improvements shall commence within one year from the effective date of final Plan Approval and be completed within two years thereafter.

4. The proposed use shall not be in operation until the required number of off-street parking stalls as determined by the Plan Approval process have been physically provided for this recreational use.

5. All other applicable rules, regulations and requirements, including those of the State Health Department and Department of Public Works shall be complied with.

6. An extension of time for the performance of conditions within the Use 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 applicants, 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 Use 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 may initiate procedures to nullify the Use Permit.

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

Sincerely,

Thomas A. Krieger

Thomas A. Krieger
Chairman, Planning Commission

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona

bcc: Plan Approval Section