

CERTIFIED MAIL

December 17, 1987

Dr. Patrick Siu
P. O. Box 10
Kapaau, HI 96755

Dear Dr. Siu:

Use Permit Application
TMK: 5-4-06:23

The Planning Commission at its duly held public hearing on December 8, 1987, voted to approve your application, Use Permit No. 55, to allow the establishment of a medical office on 15,107 square feet of land situated at Hanaula, North Kohala, Hawaii.

Approval of this request is based on the following:

The granting of the proposed use will 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 medical office facility on a property designated "Urban" by the State Land Use Commission and situated within the County's Single Family Residential zone district may be permitted through the granting of a Use Permit.

The Land Use element of the General Plan states to "Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural, and physical environments of the County." It is felt that the granting of the request at its particular locations will still maintain the present environment of this area of Kohala. The property is situated within an area designated on the General Plan for Medium Density Urban Development. Such a land use designation may allow certain commercial uses. Further, the property is situated across from commercially zoned properties and uses (i.e., Naito Store). The proposed medical office/residence building will be

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one story in height, and will be required to provide the requisite number of parking stalls, as well as appropriate landscaping. Additionally, since all essential utilities and services are available to the property, the granting of this request will also be in the direction of fulfilling the land use policy of the General Plan which states to promote and encourage the utilization of urban areas which are serviced by basic community facilities and utilities. As such, from an impact standpoint, the introduction of this new medical facility will not have any major physical, or cultural or social impacts on this area.

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 facility will have the appearance of being a single family dwelling. Moreover, the applicant will reside within portion of building. Therefore, while the establishment of the medical facility may have some impact on the adjacent residential lands, the physical impacts should be minimal in light of the mixed commercial/residential use of the property. Furthermore, through the plan review process, special attention will be given to the siting of the proposed building and the provision of adequate landscaping.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. Approval of the subject request would enable the applicant to improve and provide additional medical service to the community.

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. The property is provided with all essential utilities and services.

Approval of this request is subject to the following conditions:

1. The applicant, successors or its assigns shall comply with all of the stated conditions of approval.
2. Plans, including parking and landscaping, shall be submitted for plan approval review within one year from the effective date of approval of the Use Permit. Parking to

accommodate the proposed use shall be provided in accordance with the requirements of Chapter 25 (Zoning Code), Hawaii County Code, as amended.

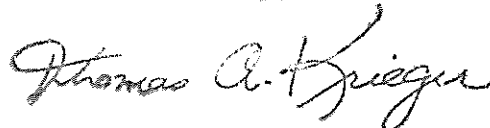
3. Construction of the medical office facility shall commence within one year from the effective date of final Plan approval and be completed within two years thereafter.
4. The medical office will be restricted to one doctor and the necessary support staff. The hours of operation shall be between 8:00 a.m. to 6:00 p.m., Monday to Friday, with the exception of after hours emergency services.
5. Access to the property shall be from Kynnersley Road meeting with the approval from the Department of Public Works. No direct access shall be allowed from the State's Hawi-Niulii Road.
6. A drainage system shall be installed meeting with the approval of the Department of Public Works.
7. All other applicable laws, rules, regulations, and requirements shall be complied with.
8. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. 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 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: a) the 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 zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit and

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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 permit.

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

Sincerely,



Thomas A. Krieger
Chairman, Planning Commission

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

bcc: Plan Approval Section