Planning Commission

Lorraine R. Inouye
Mayor

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

CERTIFIED MAIL

August 8, 1991

Ms. Filipinas Anastacio
P. O. Box 311
Honokaa, HI 96727

Dear Ms. Anastacio:

Use Permit Application
Applicant: Filipinas Anastacio
Care Home
Tax Map Key: 4-5-18:27

The Planning Commission at its duly held public hearing on July 30, 1991, voted to approve your application, Use Permit No. 86, to allow the establishment of a care home for five elderly people on 7,894 square feet of land zoned Agricultural-1 acre (A-1a). The property is situated on the northeastern corner of the Kahili Street-Hau Street intersection within the Camp 8 Subdivision, Namoku, Hamakua, 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 an elderly care home on property designated "Urban" by the State Land Use Commission and situated within the County's Agricultural-1 acre (A-1a) zoned district may be permitted through the granting of a Use Permit. The Land Use Element of the General Plan states as a goal to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County." The granting of this request will still maintain the present environment of this area of Honokaa. The property is located in close proximity to the commercial core of Honokaa and establishing an elderly care home at this site would provide an essential and convenient service to a few elderly persons.

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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 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. The care home will be located within an existing dwelling, which already houses three elderly persons. Surrounding properties, with the exception of one, all contain dwellings. The nature of this care home is of such a small scale that impacts will be minimal.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region.

The care home facility for five elderly people 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. Access to the site is from Kahili Street, which has a pavement width of 20 feet within a 40-foot wide right-of-way. The care home must comply with all other rules, regulations and requirements, including those of the Department of Health.

Approval of this request is subject to the following conditions:

1. The applicants, successors or assigns shall comply with all of the stated conditions of approval.

2. Final Plan Approval shall be secured from the Planning Department within one (1) year from the effective date of this permit. 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. Building permit(s) to allow a change in occupancy shall be secured within one (1) year from the date of receipt of Final Plan Approval and be completed (certificate of occupancy) within one year thereafter.

4. The elderly care home shall be restricted to no more than five persons, exclusive of family members.

5. Comply with all other applicable laws, rules, regulations and requirements, including those of the Departments of Health and Public Works.

6. 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 with and the Planning Director acknowledges that further reports are not required.

7. 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) 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) the 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 (1) 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,

Dennis R. Hall
for Mike Luce, Chairman
Planning Commission

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jdk

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

Bcc: Plan Approval Section
Takashi Domingo