Planning Commission

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

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

April 27, 1992

Virginia B. MacDonald, AIA
PO Box 47
Hawaii National Park, HI 96718

Dear Ms. MacDonald:

Use Permit Application (UP 91-17)
Applicant: Richard Lee-Ching
Request: Doctor's Office
Tax Map Key: 2-2-36:106

The Planning Commission at its duly held public hearing on April 16, 1992, voted to approve your application, Use Permit No. 101, to allow the establishment of a doctor's office and related improvements on 22,500 square feet of land within the County's Single-Family Residential-10,000 square foot (RS-10) zoned district. The property is located at the northwest corner of the Lanikaula Street-Laukapu Street intersection, Waiakea Houselots 1st Series, South Hilo, Hawaii.

Approval of this request is based on the following:

The granting of this request will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan and the Hilo Community Development Plan. The establishment of a doctor's office on a property within the State Land Use Urban District and the County's Single Family Residential-zoned district may be permitted through the granting of a Use Permit. The site is within an area designated for Single Family Residential (RS-10) uses by the Hilo Community Development Plan and Medium Density Urban uses by the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. It should be noted that the County Council, through Resolution No. 317-91, requested that the Planning Director conduct a feasibility study to examine the appropriateness of a proposed change to the LUPAG Map from a Medium Density Urban and Industrial to a Low Density Urban designation for that portion of Waiakea Houselots in which the subject property is located. As a result of this analysis, the

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Director had concluded that the redesignation of that portion of the Waiakea Houselots from Medium Density Urban and Industrial to Low Density Urban would be an appropriate land use pattern for the area. Such a designation would restrict uses to single family residential, convenience-type commercial and ancillary and public uses provided the applicable goals, policies and standards of the General Plan are met. The proposed use would be consistent with a Low Density Urban designation, should the LUPAG Map be amended, by providing a convenience to those residents of Waiakea Houselots. Mindful of the type of service to the area's residents, the proposed use will complement the Land Use Element of the General Plan 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 desired 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 area immediately surrounding the subject property is firmly established in residential uses, its location at the corner Laukapu and Lanikaula Streets places it along a corridor which has seen a gradual change from residential to commercial and industrial uses. These areas of change along Laukapu Street include the industrial activities of Neil's Automotive located approximately 750 feet to the west as well as the industrial/ commercial activities of Business Automation and Industrial Iron Works located approximately 650 feet to the east on lands zoned Limited Industrial. While an amendment to the LUPAG Map from Medium Density Urban to Low Density Urban for that portion of Waiakea Houselots adjacent to and north of Lanikaula Street is being contemplated, the LUPAG Map still depicts those parcels located on the south side of Lanikaula Street, opposite of the subject property, for Industrial uses. Therefore, the proposed use would provide a "transitional" use between the more intensive industrial uses along the south side of Lanikaula Street and the single family residential uses within the Waiakea Houselots. To mitigate any adverse noise or visual impacts to surrounding residential properties, review of the proposed improvements will consider landscaping, appropriate siting, height, bulk, color schemes, and signage.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. This type of service may be allowed within residential areas through the granting of a Use Permit. No Use

Permit has been previously issued by the Planning Commission for similar uses within the Waiakea Houselots area. The granting of this request is not expected to adversely affect the integrity of the commercial areas of Hilo nor will other doctors' offices within the region be affected by the proposed use.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection, and other related infrastructure, provided improvements required under these recommended conditions of approval are implemented. Water is available to the subject property. The Department of Health will allow the applicant to utilize an existing cesspool for wastewater disposal until such time the County's sewerage system is available with laterals. Access to the subject property is via Lanikaula and Laukapu Streets, which have right-of-ways of 50 feet and 40 feet, respectively. This is below the minimum right-of-way width of 60 feet for a commercial road. Therefore, it is recommended that the applicant designate a 5-foot future road widening setback along the subject property's Lanikaula Street frontage to allow for its future widening to a commercial standard right-of-way width of 60 feet. Consistent with requirements imposed during the subdivision of various parcels along Laukapu Street, the applicant should also provide a 5-foot future road widening setback along its Laukapu Street frontage to allow for future widening to a 50-foot right-of-way. As recommended by the Department of Public Works, the applicant should widen the existing pavement and provide curb, gutter and sidewalk improvements along the subject property's Lanikaula Street and Laukapu Street frontage, among other improvements, in a manner meeting with the approval of the Department of Public Works.

Approval of this request is subject to the following conditions:

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

2. Final Plan Approval of the proposed doctor's office shall be secured from the Planning Department within one 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. Plans shall identify structures, landscaping, and parking stalls associated with the doctor's office. Parking shall comply with the requirements of Chapter 25 (Zoning Code). Appropriate landscaping shall be provided for the purpose of mitigating any adverse visual or noise impacts to surrounding properties. The applicant shall indicate on plans to be submitted a 5-foot future road widening setback along the subject property's entire Lanikaula Street and Laukapu Street frontages and its appropriate turning radius. All structural yard setbacks shall be measured from these future road widening setback lines.

3. Construction of the doctor's office and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.

4. Use of the doctor's office facility shall be limited to a maximum of two practitioners and staff.

5. Access to the subject property shall meet with the approval of the Department of Public Works.

6. Roadway improvements to Lanikaula and Laukapu Streets, including the widening of pavement and the provision of curb, gutter and sidewalk improvements along the subject property's Lanikaula Street and Laukapu Street frontages, shall be constructed in its entirety by the applicant in a manner meeting with the approval of the Department of Public Works, prior to the issuance of a certificate of occupancy for the proposed doctor's office. This condition shall not restrict the applicant from providing those improvements beyond the property's Lanikaula and Laukapu Street frontages (i.e., relocation of utility poles, pavement transition, signs, striping, etc.) that are deemed necessary for the proper installation of the above-mentioned roadway improvements.

7. Drainage improvements shall meet with the approval of the Department of Public Works.

8. In the design and review of any improvements, due consideration shall be given to the minimization of noise and adverse visual impacts through appropriate siting, height, bulk, color schemes, signage, and landscaping.

9. The applicant shall comply with all other applicable laws, rules, regulations and requirements of State and County agencies, including those of the Department of Health and Fire Department.

10. 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.

11. 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 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,

Mike Luce

Mike Luce, Chairman
Planning Commission

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jdk

xc: Dr. Richard Lee-Ching
Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Plan Approval Section
Connie