Stephen K. Yamashiro
Mayor

County of Hawaii

PLANNING COMMISSION

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JUL 23 1997

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

Dear Ms. Macdonald:

Use Permit (USE 101)
Applicant: Richard Lee-Ching, M.D.
Request: Amendment to Condition No. 6 (Amend Condition to Improve Lanikaula Street Only or Time Extension for Two (2) Years to Improve Both Streets)
Tax Map Key: 2-2-36:106

The Planning Commission at its duly held public hearing on July 10, 1997, voted to approve the above-referenced request for an amendment to Condition No. 6 (roadway improvements) of Use Permit No. 101. Use Permit No. 101 allowed the establishment of a doctor's office and related improvements on 22,500 square feet of land within the County's Single Family Residential (RS-10) zoned district. The property is located at the northwest corner of the Lanikaula Street-Laukapu Street intersection in Waiakea Houselots, 1st Series, South Hilo, Hawaii.

Approval of this request is based on the following:

In considering a Use Permit, or amendment thereto, for a proposed development, Rule 7 of the Planning Commission relating to Use Permits require that such action conform to the following guidelines:

(A) The amendment request shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan;

(B) The amendment request shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties;

(C) The amendment request shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

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Approval of the Use Permit was based on findings that the proposed development met the above guidelines. The initial request to amend Condition No. 6 to allow the deferral of roadway improvements until the installation of the County sewer system in the subject area was deemed to unreasonably burden public agencies to provide roads, streets and other related infrastructure. In addition, the applicant stated that deferring the required roadway improvements until the installation of the sewer lines would allow the proposed development to be economically feasible. It would also allow for the coordinated installation of these roadways and sewer improvements to avoid any unnecessary repaving of the roadways. The request to delay the roadway improvements was denied, but Condition No. 6 was amended to require the installation of roadway improvements within three (3) years from the date of issuance of a certificate of occupancy.

The applicant now proposes an amendment to Condition No.6 to allow the deferral of roadway improvements until the completion of sewer laterals to the site. According to the Department of Public Works, WalMart has installed a sewer line, along with a lateral stubout, on Laukapu Street fronting the subject property. This sewer line improvement was completed as part of WalMart's shopping complex project in late 1996. Thus, the applicant may hook up their sewer line to this lateral stubout and the request will not unreasonably burden public agencies to provide roads, streets, and other related infrastructure.

The Department of Public Works has no objections to phasing the construction of the improvements in two phases. Phase I would include improvements to Lanikaula Street, and Phase II would include improvements to Laukapu Street. It is hoped that the phasing of the roadway improvements would mitigate the financial impact of construction. In addition, the applicant will be required to subdivide and dedicate the 5-foot future road widening section fronting the subject property along Lanikaula Street and Laukapu Street including the roadway improvements to the County of Hawaii within two (2) years from the effective date of the amendment.

All essential utilities such as electricity, water and telephone are available to the property. All conditions of Use Permit No. 101 are still applicable, including compliance with the Department of Public Works.

Based on the above, Condition No. 6 is hereby amended as follows (material to be deleted is bracketed, material to be added is underscored):

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] <u>in two phases</u> by the applicant meeting with the approval of the Department of Public Works [,within three (3) years from the date of issuance of a certificate of occupancy for the proposed doctor's office]. <u>Roadway improvements to Lanikaula Street (Phase I) fronting the subject property shall be completed within one (1) year from the effective date of this amendment. Roadway improvements to Laukapu Street (Phase II) fronting the subject property shall be completed within two (2) years from the effective date of this amendment. The 5-foot future road widening section fronting the</u>

subject property along Lanikaula Street and Laukapu Street and roadway improvements thereon including intersection improvements shall be subdivided and dedicated to the County of Hawaii upon its completion. 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.

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.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,

Kevin M. Balog, Chairman
Planning Commission

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cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Kazu Hayashida, Director/DOT-Highways, Honolulu
Richard Lee-Ching, M.D.