CERTIFIED MAIL

April 22, 1985

Mr. Richard Ishida
Goodsill, Anderson, Quinn & Stifel
Attorneys At Law
P. O. Box 2639
Kailua-Kona, HI 96745

Dear Mr. Ishida:

Use Permit Application
Applicant: Edward Moore and Stephen Noren
Tax Map Key: 7-4-15:5

The Planning Commission at its duly held public hearing on April 18, 1985, voted to approve your application, Use Permit No. 28, to allow the establishment of a recreational health and fitness center within an 8,200-square foot building situated on 1 acre of land within the General Industrial (MG-1a) zoned district at Keahuolu, North 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 this area have been extensively developed and have already established the character of the area as being one of a service industrial use. 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 this area, any additional noise created would not adversely affect surrounding land uses. The traffic generated should be readily accommodated since the area has been developed to current standards.

Parking has been identified as one area of potential problems, however. The existing parking on-site totals 41 stalls while the required parking for the entire complex based

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on present plans would amount to 85 stalls. This parking deficit of 44 stalls will have to be made up through some sort of a parking arrangement. For this reason, a provisional use permit has been approved. Conditions of approval ultimately require compliance with the minimum parking requirements.

With these conditions in place, 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 properties; nor would the use adversely affect similar or related existing uses within the surrounding area, community or region.

All essential utilities and facilities are available to the subject property. The water availability will be a factor around which the fitness center's program must be adapted. Nevertheless the operator has concluded that the existing service is adequate to their present needs. Based on this it is determined that the propose use would not place unusual burdens on public agencies to provide public facilities and services.

Finally, given the above findings and the General Plan Recreational Element goal which is 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 Use Permit request is subject to the following conditions:

(1) The Use Permit is granted on a provisional basis not to extend beyond June 7, 1985. The effective date of the Use Permit shall coincide with obtaining the necessary plan approval, provided that plan approval is secured by June 7, 1985. Should the petitioner not obtain plan approval by that date, the provisional status shall terminate.

(2) The petitioner, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.

(3) By June 7, 1985 the petitioner shall enter into a parking arrangement with the Master leaseholder and the other tenants on the property and/or with the Trustees of the Liliuokalani Trust to meet the minimum parking requirement. The required number of parking stalls shall be accommodated either on-site or off-site, provided that

no on-street parking stalls shall be allowed to meet the parking requirement. The parking arrangement or agreement between and among the affected parties shall be submitted to the Planning Director by June 7, 1985 for his review, approval, and recommendation to the Planning Commission. Should the parking arrangement be disapproved by either the Planning Director or the Planning Commision by June 7, 1985, the permit shall be automatically void. During the interim, the proposed use may be in operation.

(4) Plans, including the agreed upon parking arrangement, shall be submitted for Plan Approval by June 7, 1985.

(5) After June 7, 1985 the required number of parking stalls shall be available prior to further use of the proposed facility. Upon compliance with the minimum parking requirement, the provisional status of the permit shall end.

(6) All other applicable rules, regulations, and requirements, including those of the Department of Water Supply, shall be complied with.

(7) Should the Planning Director determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the Use Permit shall be void.

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

Sincerely,

Donald Thompson

Donald Thompson
Chairman, Planning Commission

cc: Mr. Edward Crook P.O. Box 349, Naalehu 96772
Department of Public Works
Department of Water Supply
County Real Property Tax Division
County of Hawaii, Kona Office

bcc: Plan Approval Section