Stephen K. Yamashiro
Mayor

County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL

July 8, 1994

Ms. Nanette Turpin
73-5568 Kauhola Street
Kailua-Kona, HI 96743

Dear Ms. Turpin:

Use Permit Application (USE 94-4)
Applicant: Kid's Fitness Unlimited
Request: Establish a Youth Gymnastic and Sports Fitness Program within an Existing Structure
Tax Map Key: 7-3-51:34

The Planning Commission at its duly held public hearing on June 30, 1994, voted to approve the above application. Use Permit No. 125 is hereby issued to Kid's Fitness Unlimited to establish a gymnastic school in the Limited Industrial district. The proposed site is located on the Kailua side of Kauhola Street, approximately 270 feet mauka of its intersection with Kanalani Street in the Kaloko Light Industrial Subdivision, Kaloko, North Kona, Hawaii.

Approval of this request is based on the following:

1. **The proposed use will still be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the County General Plan.** According to the Zoning Code, the Planning Commission is the granting authority for a Use Permit and a school may be allowed by the Planning Commission within the Limited Industrial (ML) zone district with the issuance of a use permit. The proposed gymnastics school, by the nature of the sport, needs to be situated within buildings large enough to meet with the United States Gymnastics Federation **Safety** and **Standard Specifications.** The existing warehouse building

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space would provide for the size and height requirements for the proposed use. The Zoning Code states that "The general purpose of the Limited Industrial zone "...applies to areas for business and industrial uses which are generally in support of but not necessarily compatible with those permissible activities and uses in other commercial districts." While this is the general purpose of the zone district, the Zoning Code also recognizes that other types of uses such as schools can be introduced and still be compatible and in keeping with the intent and purpose of the zoning district, provided Use Permit criteria can be addressed and met. In this particular instance, the proposed gymnastics school is such a use, because of the facility and clientele requirements necessary to conduct such an activity. The existing warehouse building provides the best setting to accommodate its functional needs.

The County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates this area as Industrial. The proposal would also be in keeping with the Economic Element policies of the General Plan which states that "The County shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors." One of the basic purposes of the County General Plan is "To improve the physical environment of the County as a setting for human activities - to make more functional, beautiful, healthful, interesting and efficient." In addition, the General Plan Recreational Element includes a Goal to "Provide a wide variety of recreational opportunities for the residents of the County."

With respect to the Zoning Code's off-street parking requirements, the Planning Director is recommending to the Planning Commission that the absence of a specific off-street parking requirement for gymnastics schools in the Zoning Code and the provisions of authority established in Sections 25-76(b) and 25-73(b), allows the Planning Director to determine that the **facility requirements** (warehouse interior height and building size), the **type of clientele** (children), the **maximum number children in a class** (40), **hours of operation** (off business hours) and **method of operation** (drop off/pick up and bus drop), no additional off-street parking is needed to establish this facility in the portion of the existing warehouse at the subject property. Conditions have been included as part of the approval recommendation to ensure that the operation methods proposed by the petitioner to offset the need for any additional off-street parking will be monitored.

Based on the above actions, the proposed gymnastics school at this particular location will still be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the County General Plan.

2. **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 use will create a facility for the children of the West Hawaii community who are interested in participating in this particular sport. The establishment of the facility will provide an athletic option that is not presently not available in the Kona community. The proposed hours and method of operation by bus-drop off and drop off and pick up by the parents will not impact the provision of any additional off-street parking as previously cited. A condition of approval has been included to require the petitioner to provide a secured and monitored drop off and pick up area for the children. This will mitigate any of the conflicts which may arise as a result of the introduction of this use at this location. In addition, the petitioner shall be required to keep all the children within the facility until they are ready to be picked up. In addition, a condition of approval is being included to allow gymnastics tournament or competitions only on Sundays. The petitioner shall be responsible for the preparation of a plan for the security, pick-up/drop-off and operation hours as represented and this document shall be submitted for the Planning Director's review and approval. Upon acceptance of this plan, the Planning Director shall notify the petitioner of its acceptance. Failure to execute the plan shall be reported to the Planning Commission for its action on non-compliance. The proposed gymnastics school shall be contained within a portion of an existing warehouse building, which is surrounded by Light Industrial development. Therefore, there will not be any significant impacts, noise or otherwise with respect to the adjacent or surrounding properties.

6. **The proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region.** The proposed gymnastics school will be contained within a portion of an existing warehouse building. The proposed hours and method of operation of the proposed gymnastics school shall not conflict with the uses within the existing building nor impact upon the businesses in the building. The concern for the traffic when competitions are

held is to be mitigated by conducting this activity only on Sundays. This will be the only gymnastics school in the Kailua-Kona area for the children of the community as such, it will not impact upon other similar businesses.

7. **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 proposed gymnastics school will comply with all necessary requirements to establish the gymnastics school in the subject warehouse building. All necessary roads, streets, sewer, water, drainage, police and fire protection and other related infrastructure are available to the subject property. All essential utilities such as electricity, water and telephone are available to the subject property. All requirements of the Department of Health, Department of Public Works, and Fire Department shall be complied with prior to establishment of the proposed use. There were no agencies or surrounding property owners that had any objections to the request.

Approval of this request is subject to the following conditions:

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

2. Final Plan Approval in accordance with Section 25-242 of the Zoning Code for the conversion of the warehouse space for the gymnastics school shall be secured from the Planning Director 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. Plans shall include a floor plan for the proposed activity show training area and drop-off and pick up area. Along with this plan, the petitioner shall be responsible for the preparation of a plan for the security, pick-up/drop-off, operation hours, competitions, etc. as represented and this document shall be submitted for the Planning Director's review and approval along with the plans for Final Plan Approval. Failure to execute the plan shall be reported to the Planning Commission for its action on non-compliance.

3. Conversion of the proposed gymnastics school shall commence within one (1) year from the date of receipt of Final Plan Approval and be completed within one (1) year from the date of commencement of construction.

4. Gymnastics and/or fitness competitions or tournaments at this site shall only be held on Sundays.

5. The applicant shall comply with the requirements of the Fire Department, State Department of Health, Department of Public Works, Building Division and all other laws, rules, regulations and requirements.

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 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.

Should you have any questions, please feel free to contact Rodney Nakano of the Planning Department at 961-8288.

Sincerely,

Donald L. Manalili, Chairman
Planning Commission

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xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Kona
West Hawaii Office
Plan Approval Section