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

March 21, 1995

Robert and Carol Oshiro
2155 Kilauea Avenue
Hilo, HI 96720

Dear Mr. and Mrs. Oshiro:

Use Permit Application No. 95-1
Applicant: Robert and Carol Oshiro
Request: Adult Day Care Facility
Tax Map Key: 2-2-40:4

The Planning Commission at its duly held public hearing on March 9, 1995, voted to approve the above-referenced application. Use Permit No. 133 is hereby issued to allow the establishment of an adult day care facility on one acre of land located within the Single-Family Residential (RS-10) zoned district at Waiakea Homestead Houselots.

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. The establishment of an adult day care facility for ten residents on a parcel located within the State Land Use Urban District and the County's Single Family Residential-zoned district may be permitted through the issuance of a Use Permit by the Planning Commission. The project site is located within an area recommended to retain its current Single Family Residential-10,000 square feet (RS-10) zoning designation by the Hilo Community Development Plan and is designated for Medium Density Urban uses by the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The General Plan LUPAG Map designation of Medium Density Urban would allow for village and neighborhood commercial uses up to three stories and residential uses up to 35 units per acre and their related

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functions. Therefore, the proposed use would be consistent with the recommended of the Hilo Community Development Plan and the General Plan. Mindful of the type of service the applicant will provide to residents of East Hawaii, 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" and to ". . . . encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment."

The desired use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or surrounding properties. The proposed adult day care facility would benefit the general public welfare and an asset to the surrounding community. The dominant use along this portion of Kilauea Avenue are single family residential uses. Adjacent to the east or rear of the subject property fronting Kanoelehua Avenue is the Puainako Town Center shopping complex. The establishment of an adult day care facility within an existing single family dwelling located on the subject property would not be out of character with these uses located within the immediate area nor would noise or visual impacts generated by the proposed facility adversely affect these surrounding properties. Outward appearance of the proposed facility will continue to convey a single family residential use. Hours of operation will be limited to weekdays from 7:30 a.m. to 4:30 p.m., which will not impose upon evening hours when most residents within the immediate area are at home. On-site improvements, such as paved drop-off/pick-up and parking areas and paved driveway access, will be required to accommodate the increase in traffic generated by the requested use and to provide noise and dust control which may otherwise affect adjoining residential properties. As recommended by the Department of Public Works, the existing driveway connection to Kilauea Avenue must be constructed or reconstructed according to their requirements.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. Use Permits have not been previously granted by the Planning Commission for adult day care facilities within the general vicinity of the project site. The only existing adult day care facility in Hilo is located along Rainbow Drive, in excess of three miles to the north of the subject property. Approval of the subject request would be in a direction of fulfilling a basic need for such facilities throughout the City of Hilo and similar to the need for sufficient child day care facilities in convenient locations.

Finally, 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. Water, sewer and roads systems are adequate to accommodate the proposed use. Primary access to the project site is provided by Kilauea Avenue, a County-maintained roadway having a pavement width of 36 feet within a 60-foot wide right-of-way. Kilauea Avenue, formerly a four-lane roadway, was recently re-striped into a three-lane roadway with two through-lanes and a shared left-turn center lane which has facilitated left turn movements. The County's water system is available to support the proposed facility. Wastewater will be disposed of within existing cesspools located on-site. All other essential utilities and services are or will be made available to the project site.

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. The applicant, successors, or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim, or demand for the property damage, personal injury, or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors, or agents under this permit or relating to or connected with the granting of this permit.

3. Final Plan Approval for the proposed adult day care facility shall be secured from the Planning Department. Plans shall identify existing structures, paved on-site drop-off/pick-up area, paved driveway access and paved parking area associated with the proposed use. A 10-foot wide future road-widening setback shall be indicated along the project site's entire Kilauea Avenue frontage.

4. A building permit shall be secured and a Certificate of Occupancy issued for the proposed use within three (3) years from the effective date of this permit.

5. The adult day care facility shall be limited to maximum of 10 residents, exclusive of family members residing within the single family dwelling which will accommodate the adult day care facility.

6. 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 Connie Kiriu or Daryn Arai of the Planning Department at 961-8288.

Sincerely,

Wilton K. Wong, 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 - Hilo
Plan Approval Section
Department of Human Services