Larry S. Tanimoto
Mayor

Planning Commission

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

CERTIFIED MAIL

May 14, 1990

Dr. Robert E. Klein
2070 Kilauea Avenue
Hilo, HI 96720

Dear Dr. Klein:

Amendments to Conditions 5 and 6
of Use Permit No. 39
TMK: 2-2-40:29

The Planning Commission at its duly held public hearing on May 3, 1990, voted to allow the demolition of an existing cottage and to increase the number of staff to four (4) office/therapy assistants, but voted to deny your request to extend the hours of operation to 9 p.m., Monday through Saturday.

The decisions were based on the following findings in the order of the requests:

1. The request to amend the language of Condition No. 6 to allow the demolition of the existing cottage would not be contrary to the reasons originally used in granting the Use Permit which allowed the chiropractic health facility on the property. The granting of the request will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the General Plan. The applicant's desire to demolish the existing cottage would not increase the activity on the property but would concentrate an approved use within the existing main structure. The concentration of these services would further isolate these activities from the surrounding properties. The removal of the cottage would provide additional parking spaces as well as provide for increased vehicular circulation through the property. As such, to change the language of Condition 6 to accommodate the demolition of the existing cottage would be consistent with the original reasons for granting the Use Permit.

MAY 14 1990

2. The increase in the hours of operation to 9 p.m., Monday through Saturday will not be consistent with the general purpose of the single family residential zoned district, the intent and purpose of the Zoning Code, and the County General Plan. The purpose of the single family residential zoned district is to provide for low density residential areas for urban and suburban family life. This particular area of Hilo is characterized by established single family dwellings on the north, south and west sides of the property. To amend the hours of operation until 9 p.m., Monday through Saturday would adversely affect these residential activities by increasing traffic, noise, and related commercial activities associated with the office and educational activities during those hours when many people are at home. The increase in operating hours into the evening would be detrimental to the public welfare and may cause adverse impact to the community. The increase in activity during these extended hours would not be conducive to the existing residential setting. As such, the request would be contrary to the original reasons for granting the Use Permit. Therefore, the Planning Director is recommending that this request be denied.

3. The request to increase the number of office/therapy assistants to four (4) would not be contrary to the original reasons for granting the Use Permit. The increase in the number of staff personnel will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties. The increase in the number of office/therapy assistants would increase the amount of services that is provided without expanding the existing facility. As such, the request will not unreasonably burden public agencies to provide additional facilities and services. Therefore, the Planning Director is recommending that this request be approved.

Based on the above, Use Permit No. 39 is amended as follows:

5. The number of employees for this facility shall be limited to the 2 chiropractors and [3] <u>4</u> office/therapy assistants and the hours of operation for this facility shall be limited to be between 7:00 a.m. and 6:00 p.m. from Monday to Saturday.

6. [Prior to the future] <u>Final Plan Approval for the</u> conversion[s] of the [cottage and] second floor level into

the proposed classroom[s, plans] shall be [submitted for Plan Approval] secured within one year from the effective date of this amendment. [at which time additional parking shall be imposed as required by the Zoning Code.] 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.

7. Construction of the proposed classroom and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within one year thereafter.

[7] 8. Any access, drainage, and grading shall be required to comply with the requirements of the Department of Public Works.

[8] 9. Should an Improvement District or other participatory program for curb, gutter and sidewalk improvements be implemented for this area, the petitioner shall agree to participate and be assessed according with the requirements established for the Improvement District program.

[9]10. All other applicable County and State rules, regulations and requirements including those of the Department of Water Supply and State Department of Health shall be complied with.

[10]11. [The Planning Director may administratively grant extensions to the foregoing condition(s). Further, should the Director determine that any of the conditions have not been met or substantially complied with in a timely fashion, the Permit shall be void] 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.

The 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,

Fred Y. Fujimoto

Fred Y. Fujimoto
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division

bcc: Plan Approval Section