

CERTIFIED MAIL

May 16, 1989

Mr. Sidney Fuke
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

Special Permit Application (89-3)
Applicant: Chieko Maekawa
TMK: 7-2-08:27

The Planning Commission at its duly held public hearing on May 9, 1989, voted to approve the above application, Special Permit No. 701, to allow the establishment of an acupuncture practice within a portion of an existing single family dwelling on 10,749 square feet of land situated within the State Land Use Agricultural District at the northwestern corner of the Kona Ocean View Properties Subdivision main access road and the first side road within the subdivision approximately 280 feet west (makai) of the Hawaii Belt Road, Puukala, North Kona, Hawaii.

Please be informed that the Planning Director did recommend denial of the application; however, the Commission voted to approve the Special Permit application subject to the following conditions.

1. The applicant shall comply with all of the stated conditions of approval.
2. Final Plan Approval shall be secured from the Planning Department within one 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 identify office space, driveway access, and a gravelled parking area. All client parking shall be accommodated on the subject property.

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3. The acupuncture treatment office shall obtain a building permit for a change of occupancy within one year from the date of receipt of Final Plan Approval.
4. The acupuncture office shall be restricted to use by the individual residing in the affected single-family dwelling on the property.
5. The hours of operation shall be limited to between 9:00 a.m. and 5:00 p.m., Monday through Friday.
6. There shall be no visible signs or displays on the property advertising the acupuncture treatment office.
7. The acupuncture treatment office shall be limited to a 300-square foot area within the existing single family dwelling.
8. Driveway access to the property shall meet with the requirements of the Department of Public Works.
9. Comply with all other applicable laws, rules, regulations and requirements.
10. 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 and the Planning Director acknowledges that further reports are not required.
11. 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

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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 may initiate procedures to nullify 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.

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

Sincerely,



Gary Mizuno
Chairman, Planning Commission

xc: Ms. Chieko Maekawa
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
State Land Use Commission

bcc: Plan Approval Section