



# Planning Commission

Lorraine R. Inouye  
Mayor

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

CERTIFIED MAIL

July 16, 1992

Sterrett C. Grune, D.V.M.  
PO Box 2133  
Keaau, HI 96749

Dear Dr. Grune:

Special Permit Application (SP 92-12)  
Applicant: Sterrett C. Grune, D.V.M.  
Request: Establish Veterinary Clinic  
Tax Map Key: 1-5-35:87

The Planning Commission, at its duly held public hearing on July 7, 1992, voted to approve your application, Special Permit No. 814, for the establishment of a veterinary clinic and related improvements on one acre of land situated within the State's Agricultural District. The property is located within the Paradise Park Subdivision approximately 270 feet northwest of the Kaloli Drive-28th Street intersection on the southern side of 28th Street, Keaau, Puna, Hawaii.

Approval of this request is based on the following:

The granting of this special permit will promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law Rules and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii.

In the case of the Agricultural districts, the intent of the State Land Use Law Rules and Regulations is to preserve or keep lands of high agricultural potential in agricultural use.

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The land on which the proposed use is located is classified as "E" or "Poor" by the Land Study Bureau for agricultural productivity and not classified by the ALISH Map. The applicant proposes to operate a veterinary clinic in an existing single-family dwelling with no additional land to be taken out of existing or potential agricultural use.

The request is not contrary to the General Plan. The proposed use is consistent with the Land Use policy of the General Plan which states: "Designates and allocate land uses in appropriate proportions and mix in keeping with the social, cultural, and physical environments of the County" and "The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment."

The proposed clinic and related improvements would provide needed services for residents with pets and livestock who are living in the area. Although the granting of the proposed clinic would allow the establishment of a non-agricultural use on the property, the proposed use would support the livestock industry in the area. Based on these considerations, it is determined that the granting of the Special Permit request would be supportive of the objectives sought to be accomplished by the Land Use Law and Regulations as it would enhance the agricultural activity and potential of the region.

The proposed use will not have any significant adverse effects on the surrounding properties. The request has more than the minimum setback requirements for an agricultural lot. Furthermore, the applicant would not be allowed any boarding or kenneling of animals. Although some animals may need to be hospitalized overnight for medical treatments and observation, the applicant does not foresee noise generated from the sick animals. A single family dwelling bordering the proposed clinic to the southeast is separated by a thin strip of ohia trees. To minimize the impact of noise traveling in that direction, a condition would be included to require additional landscaping along the property boundary.

The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. The roads are

privately owned by the Association. Since the proposed use is a commercial venture, as a condition of approval, the Department is requiring that the portion of 28th Street leading to the subject property, as well as driveway and parking areas on the property be paved with concrete or asphalt concrete. The applicant would also be required to comply with applicable fire protection measures.

Approval of this request is subject to the following conditions:

1. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. Final Plan approval of the proposed clinic shall be secured from the Planning Department within one year from the effective date of the 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 structures, landscaping, fire protection measures and paved (concrete or asphalt-concrete) driveway and parking areas associated with the clinic.
3. A building permit for the change in use shall be applied for within one year from the date of Final Plan Approval. The use shall be established (certificate of occupancy) within one year from the issuance of the building permit.
4. Prior to the issuance of a certificate of occupancy, the portion of 28th Street leading to the subject property from Kaloli Drive shall be paved to a width of 16 feet with concrete or asphalt-concrete.
5. To minimize noise disturbances to adjacent property owners, the applicant shall provide additional landscaping along the southeast boundary of the property prior to the issuance of a certificate of occupancy.
6. The hours of operation for the clinic shall be from 8:00 A.M.-5:00 P.M., Monday to Saturday, with the exception of emergencies.
7. Staffing for the clinic shall be limited to one veterinarian and support staff.

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8. No commercial boarding or kenneling of animals shall be allowed on the premises.
9. The applicant shall comply with applicable laws, rules and regulations including those of the State Department of Health, Fire Department and the Department of Public Works.
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 clinic 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.
11. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) 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.

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

Sincerely,



Mike Luce, Chairman  
Planning Commission

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jdk

xc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
Mayor  
Planning Director  
Plan Approval Section