

CERTIFIED MAIL

October 1, 1987

Dr. Scott Nakahara
c/o Thomas Nakahara Realty
45 Pohaku Street
Hilo, HI 96720

Dear Dr. Nakahara:

Use Permit Application
TMK: 4-5-21:61

The Planning Commission at its duly held public hearing on September 23, 1987, voted to approve your application, Use Permit No. 53, to allow the establishment of a dental office on a 30,000+ square foot lot situated within the Single Family Residential (RS-10) zoned district at Honokaa, Hamakua, Hawaii.

Approval of this request is based on the following:

The granting of the proposed use 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 a dental office on a property designated "Urban" by the State Land Use Commission and situated within the County's Single Family Residential zoned district may be permitted through the granting of a Use Permit. It should be further noted that the goals of the Land Use Element of the General Plan states to "Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural, and physical environments of the County." It is felt that the granting of the request at its particular location will still maintain the present environment of this area of Honokaa. The subject property is bounded by Mamane Street and Ohia Street; the Union Oil Company storage facility is adjacent to the east; single family residences are across Ohia Street to the south; sugar cane fields are across Mamane Street to the north; and the Honokaa business district begins approximately 1,000

Dr. Scott Nakahara
Page 2
October 1, 1987

feet to the west. The subject property was previously utilized as a youth recreation center by the Hawaii County Economic Opportunity Council and the petitioner will be renovating the existing structure for conversion to a dental office. Additionally, since all essential utilities and services are available to the property, the granting of this request will also be in the direction of fulfilling the land use policy of the General Plan which states "promote and encourage the utilization of urban areas which are serviced by basic community facilities and utilities." As such, from an impact standpoint, the introduction of the proposed dental office will not have any major physical, cultural or social impacts on this area.

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. As stated previously, the subject property was previously utilized as a youth recreation center, the petitioner will be renovating an existing structure and there are other non-residential uses in the vicinity. While the establishment of the dental office may have some impact on the adjacent residential lands, the physical impacts should be minimal because there are no residences immediately adjacent to the subject property.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. There is only one person practicing Dentistry in the community of Honokaa and he is of retiring age. As such, the establishment of the proposed dental office will enable the community of Honokaa to continue to receive dental service.

The granting of 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 property is provided with all essential utilities and services. It should be noted that none of the reviewing agencies had any adverse comments on the subject request.

Approval of this request is subject to the following conditions:

1. The petitioner, successors or its assigns shall comply with all of the stated conditions of approval.

Dr. Scott Nakahara
Page 3
October 1, 1987

2. Plans, including parking and landscaping plans, shall be submitted for Plan Approval within one year from the effective date of approval of the Use Permit.
3. Construction of the dental office shall commence within one year from the effective date of Final Plan Approval and be completed within two years thereafter.
4. Any access, drainage, and grading shall comply with the requirements of the Department of Public Works.
5. 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.
6. An extension of time for the performance of the foregoing conditions 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 may initiate procedures to nullify the permit.

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

Sincerely,



Thomas A. Krieger
Chairman, Planning Commission

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

bcc: Plan Approval Section