

CERTIFIED MAIL

February 12, 1988

Mr. Ernest Medeiros  
Ala Kai Realty  
688 Kinoole Street, Suite 102  
Hilo, Hawaii 96720

Dear Mr. Medeiros:

Use Permit Application  
Petitioner: Dr. Ken Yamashiro  
TMK: 2-2-21:28 and 44

The Planning Commission at its duly held public hearing on February 9, 1988, voted to approve your application, Use Permit No. 58, to allow the establishment of a dentist's office at Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

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. While the zoning for the properties is Single-Family Residential, the general character of the surrounding properties along Kinoole Street is commercial in nature. Commercial, public and quasi-public uses such as Hilo Radiator and Glass Repair Shop, Kapiolani Elementary School, the United Community Church and preschool, Kinoole Medical Group and a dental office building are in very close proximity to the project site. While the establishment of a dentist's office may have some impact on the adjacent residential uses to the south, the effect should be quite negligible. Unlike the recently established dental and medical offices, the applicant intends to be the sole practitioner together with one or two assistants. The properties will be upgraded with landscaping and a paved parking area. The proposed renovations will vastly improve an area that is presently untended and overgrown. Further, rather than having detrimental effects on a community, a dentist's office is usually established in a particular location for the benefit of the people. In light of the above, it is felt that the establishment of a dentist's office at this particular location will not unreasonably affect similar or related existing uses within the Hilo area.

FEB 12 1988

Mr. Ernest Medeiros  
Page 2  
February 12, 1988

The project site is provided with all essential utilities and services. The increase in traffic to this area will be minimal since Kinole Street and Mohouli Street currently receive a high volume of vehicular and pedestrian traffic. The section of Kinole Street fronting the properties is improved with curbs, gutters and sidewalks. To avoid traffic concerns, access and parking improvements shall be approved by the Department of Public Works. According to the Department of Water Supply, water is available to service the project. All other responding agencies, including the Fire and Police Departments, raised no concerns about the proposal.

The proposed dental use at this location would be consistent with the general purpose of the Zoning Code and General Plan. 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 the City of Hilo. As stated earlier, since all essential utilities and services are available to the properties, the granting of this request will be in the direction of fulfilling the land use policy of the General Plan which encourages and promotes the utilization of urban areas serviced by basic community facilities and utilities. Finally, the granting of this request would still be consistent with the purpose of the Zoning, which is to promote health, safety, morals and the general welfare of the community.

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.
2. Submit consolidation plans to the Planning Department within one year from the effective date of this permit.
3. Plans for the doctor's office and related improvements, including landscaping and parking, shall be submitted for plan approval review within one year from the date of consolidation approval. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted.
3. Construction shall commence within one year from the date of receipt of final plan approval and shall be completed within two years thereafter.

Mr. Ernest Medeiros  
Page 3  
February 12, 1988

4. The dental office shall be used by one practitioner and his assistants.
5. Access to the property from Kincoole Street shall be approved by the Department of Public Works.
6. Comply with all other applicable laws, rules, regulations, and requirements, including those of the Department of Water Supply, the Department of Health and the Department of Public Works.
7. 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.
8. 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 may initiate procedures to nullify the permit.

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

Sincerely,



Gary Mizuno, Chairman Pro-Tem  
Planning Commission

cc: Dr. Ken Yamashiro  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
bcc: Plan Approval Section