

CERTIFIED MAIL

February 27, 1989

Dr. Stuart Spielman
75-5759 Kuakini Highway, #208
Kailua-Kona, HI 96740

Dear Dr. Spielman:

Use Permit Application
Tax Map Key: 7-7-09:8

The Planning Commission at its duly held public hearing on February 22, 1989, voted to approve your application, Use Permit No. 66, to allow the establishment of a medical office on 16,161 square feet of land within the Single Family Residential (RS-10) zoned district at Holualoa, North Kona, Hawaii.

Approval of this request is 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 detailed landscaping, driveway, and parking. The landscaping plan shall include landscaping buffers in the form of trees and shrubbery within the perimeter of the property lines. 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 be completed within two years thereafter.

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4. The medical office shall be restricted to a maximum of two physicians and their staff.
5. The hours of operation shall be limited to between 8:00 a.m. to 6:00 p.m. from Monday through Friday and between 8:00 a.m. to 1:00 p.m. on Saturday. This provision shall not prohibit after hours medical service in the case of emergency.
6. The development of the property shall comply with the minimum setback and maximum height requirements of the Single Family Residential-10,000 square feet (RS-10) zoned district.
7. A 10-foot wide, "no vehicle access" planting screen easement within the subject property along Kuakini Highway shall be recorded with the Bureau of Conveyances of the State of Hawaii and shown on plans submitted for plan approval.
8. Driveway access shall be taken from Sunset Drive as far as possible from the Kuakini Highway-Sunset Drive intersection meeting with the approval of the Department of Public Works.
9. Sunset Drive along the entire frontage of the property shall be improved by widening the pavement width to twenty feet with 4-foot wide shoulders, meeting with the approval of the Department of Public Works.
10. Comply with all other applicable laws, rules, regulations and requirements.
11. 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.
12. An extension of time for the performance of conditions within the permit may be granted by the Planning

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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, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona

bcc: Plan Approval Section