

CERTIFIED MAIL

July 25, 1989

Dr. Michael W. Longo  
670 Ponahawai Street, Suite 217  
Hilo, HI 96720

Dear Dr. Longo:

Use Permit Application  
TMK: 2-2-26:34

The Planning Commission at a duly advertised public hearing on July 18, 1989, considered your request for a Use Permit to allow the establishment of a chiropractic office within a new building on 28,967 square feet of land situated within the Single Family Residential - 10,000 square foot (RS-10) zoned district along the west side of Kilauea Avenue and one lot away (120 feet) in the Hamakua direction from the Kilauea Avenue-Kawili Street intersection, Waiakea, South Hilo, Hawaii.

The Commission voted to deny the Use Permit based on the following findings:

The applicant has requested the construction of a new 2,300-square foot office building with parking and landscaping to accommodate one doctor and four staff. Approximately 45 patients would be treated per day between the hours of 8:00 a.m. and 6:00 p.m. The granting of this request will not be consistent with the general purpose of the single family residential zoned district, the intent and purpose of the Zoning Code, and the County General Plan. The purpose of the single family residential zoned district is to provide for low density residential areas for urban and suburban family life. This particular area of Hilo is characterized by established single family dwellings on the north, south, and west sides of the property. The property to the east is zoned Open and is used by

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the State Department of Land and Natural Resources-Forestry Division as an arboretum. The establishment of a doctor's office servicing a projected level of 45 patients a day would adversely affect these residential and open space activities through increased traffic, noise, and related commercial activities associated with an office. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation of Medium Density Urban Development may allow residential and commercial uses. However, the proposed use must also be reviewed against all of the applicable policies, goals, and standards of the General Plan. A goal of the General Plan for single family residential development is "To ensure compatible uses within and adjacent to single-family residential zoned areas." As mentioned previously, the subject property is located in a residential area characterized by older established dwellings. A medical office is a commercial use which is ordinarily permitted within a commercially zoned district because of the increase in vehicular and pedestrian traffic over that of residential use. The applicant cites various commercial office developments that have been approved recently. These include a change of zone from RS-10 to CN-10 on the corner of Kamana Street and Kinoole Street (Uniforce/Harlocker) and Use Permits for medical and dental offices along Kinoole Street. These are all located over 1/2 mile away towards downtown Hilo and within an area designated for High Density Urban Development by the General Plan. The other referenced Use Permit was a chiropractic office (Klein) about 0.8 mile away in the Puna direction which was denied by the Planning Commission but approved through an appeal to the Board of Appeals. Approval of this request could lead to similar future requests and would encourage scatteration of commercial development along Kilauea Avenue. This request represents a type of development which cumulatively will have negative impacts on the residential quality of the area.

This denial is further based on the General Plan policy for commercial development that "Existing strip development shall be converted to more appropriate uses when and where it is feasible." A Hilo Community Development Plan (CDP) policy for future commercial development is to "reinforce the existing commercial structure by encouraging it to fill in to become a linear but unified City Center, rather than further disassemble to other parts of Hilo." The existing commercial structure referred to was originally comprised of Downtown, Kaiko'o Mall, and the Hilo Shopping Center. The approval of a regional

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shopping center in 1982 led to the inclusion of the Prince Kuhio Plaza as another center of commercial development. The request is for a chiropractic office, a regional type of service which is intended to serve the population at large rather than the local neighborhood. The applicant has not demonstrated that there is a localized need for this type of service along this section of Kilauea Avenue. It is believed that the requested use could more appropriately be accommodated within the existing commercial structure of Hilo.

The granting of the proposed use will be detrimental to the public welfare and may cause adverse impact to the community. The proposal is to construct a new 2,300-square foot building which would accommodate one doctor and four staff treating approximately 45 patients a day. This represents a significant increase in activity for the localized site. Such intensity would not be conducive to the existing residential setting. Furthermore, the Department of Public Works has stated that Kilauea Avenue serves as an arterial that moves traffic from the outlying residential areas to town. If the roadway is used for commercial access, the numerous turning movements that will be generated make the roadway one continuous intersection. These disparate uses do not mix well. Thus, approval of the use permit at this particular location where few commercial uses have been established would increase the turning movements along this regional arterial, thereby, creating detrimental public safety and welfare concerns.

The granting of the proposed use will adversely affect similar or related existing uses within the surrounding area, community or region. As stated above, approval of this request would not be supportive of the existing commercial areas of Hilo as called for in the General Plan and the Hilo Community Development Plan. Moreover, the size and expected intensity of the proposed use would create certain nuisances (i.e. noise) which would be out of character for this residential community.

The granting of the proposed medical office use will unreasonably burden public agencies to provide an efficient and safe transportation system. The establishment of a medical office along Kilauea Avenue at this particular location would burden the "functional" use of the arterial by the generation of numerous turning movements at the proposed driveway access. The Department of Public Works has repeatedly stated that commercialization along Kilauea Avenue would impair this

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transportation artery. This concern is further substantiated by the Police Department who concludes "that the development would have an adverse effect on traffic in the area." Even if the proposed driveway were moved away from the Kilauea Avenue/Kawili Street intersection, one must review the request in terms of long-term transportation impacts. It is felt that this approval would burden public agencies to provide an efficient and safe transportation system.

Based on the foregoing, it is determined that this request is inconsistent with the intent of the Zoning Code and General Plan; will be detrimental to the public welfare and cause adverse impact to the surrounding residential properties; will adversely affect existing commercial and residential uses within the community; and may burden the current public roadway system causing an increase in police service to the area.

A denial by the Commission of the desired use shall be appealable to the Board of Appeals within thirty (30) days after receipt of this letter and shall be made pursuant to the Board's Rules of Practice and Procedure.

Should there be further questions on this matter, please feel free to contact the Planning Department at 961-8288.

Sincerely,



Gary Mizuno  
Chairman, Planning Commission

xc: Gerard Lee Loy, Esq.  
Mr. Robert Oliver  
Corporation Counsel

bcc: Plan Approval Section