

Planning Commission

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

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

August 27, 1992

Dr. Brian Bussanich
345 Kekuanaoa Avenue, #42
Hilo, HI 96720

Dear Dr. Bussanich:

Use Permit Application (UP 92-7)
Applicant: Hilo Rehabilitation and Sports Medicine
Request: Rehabilitation and Physical Therapy Facility
Tax Map Key: 2-2-37:40

The Planning Commission at its duly held public hearing on August 20, 1992, voted to approve your application, Use Permit No. 104, to allow the establishment of a rehabilitation and physical therapy facility and related improvements on 22,192± square feet of land situated within the County's Single-Family Residential (RS) zoned district. The property is located on the southeastern corner of Kekuanaoa Street-Kalanikoa Street intersection, Waiakea Houselots, South Hilo, Hawaii.

Approval of this request is based on the following:

The granting of this request will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan and the Hilo Community Development Plan. The establishment of a rehabilitation/physical therapy office on a property within the State Land Use Urban District and the County's Single Family Residential-zoned district may be permitted through the granting of a Use Permit. The site is within an area designated for Single Family Residential (RS-10) uses by the Hilo Community Development Plan and Industrial by the General Plan Land Use Pattern Allocation Guide (LUPAG) map. It should be noted that the County Council, through Resolution No. 317-91, requested that the Planning Director conduct a feasibility study of the Waiakea Houselots area, within which the subject property is located, to examine the appropriateness of a proposed change to the LUPAG map from a Medium Density Urban and Industrial to a Low Density Urban designation. As a result of this analysis,

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the Director had concluded that the redesignation of that portion of the Waiakea Houselots from Medium Density Urban and Industrial to Low Density Urban would be an appropriate land use pattern for the area. Such a designation would restrict uses to single family residential, convenience-type commercial and ancillary and public uses provided the applicable goals, policies and standards of the General Plan are met. The proposed use would be consistent with a Low Density Urban designation, should the LUPAG Map be amended, by providing a convenience-type of commercial activity which would service the residents of Waiakea Houselots. Mindful of the type of service to the area's residents, the proposed use will complement the Land Use Element of the General Plan to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County."

The desired use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or surrounding properties. While areas to the north, south and west are firmly established in residential uses, its location at the corner of Kekuanaoa and Kalanikoa Streets places it in close proximity to industrial/commercial uses located along Kanoelehua Avenue. Aloha Petroleum operates a gas station opposite the subject property to the northeast while the offices of Tracy Lewis Real Estate are located approximately 250 feet to the northeast along Kanoelehua Avenue. While an amendment to the LUPAG Map from Industrial to Low Density Urban for that portion of Waiakea Houselots from the subject property's eastern boundary going west is being contemplated, the LUPAG Map still depicts those parcels located along Kanoelehua Avenue adjacent to the east of the subject property for Industrial uses. Therefore, the proposed use would provide a "transitional" use between the more intensive industrial uses along Kanoelehua Avenue and the single family residential uses within Waiakea Houselots. As proposed by the applicant to address potential impacts to traffic along Kekuanaoa Street, we are recommending that traffic entering and leaving the project site from Kekuanaoa Street be limited to right-turn in and right-turn out. These limitations on ingress, egress and turning movements will provide for the optimum flow of traffic to and from 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. This type of service may be allowed within

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residential-zoned areas through the issuance of a Use Permit. The granting of this request is not expected to adversely affect the integrity of the commercial areas of Hilo nor other rehabilitation/physical therapy offices within the region.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection, and other related infrastructure, provided improvements required under these recommended conditions of approval are implemented. Water is available to the subject property. Kekuanaoa Street has a right-of-way of 40 feet. A 10-foot future road-widening strip is located along the property's Kekuanaoa Street frontage to allow for the future widening of Kekuanaoa Street to a 60-foot wide right-of-way, a minimum standard width for commercial roadways. It is recommended, however, that the applicant provide curb, gutter and sidewalk improvements along the property's entire Kekuanaoa and Kalanikoa Street frontages, among other improvements, within three years from the date of issuance of a certificate of occupancy for the proposed facility in a manner meeting with the approval of the Department of Public Works.

Approval of this request is subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval of the proposed rehabilitation and physical therapy facility 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 existing and proposed structures, landscaping, and parking stalls associated with the proposed use. Parking shall comply with the requirements of Chapter 25 (Zoning Code). Appropriate landscaping shall be provided for the purpose of mitigating any adverse visual or noise impacts to surrounding properties.

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3. Construction of the rehabilitation/physical therapy facility shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
4. Use of the rehabilitation/physical therapy facility shall be limited to a maximum of two physical therapists and staff.
5. Access to the subject property shall meet with the approval of the Department of Public Works. Ingress and egress from Kekuanaoa Street shall be limited to right-turns in and right-turns out. Appropriate signage indicating these restricted turning movements shall be installed by the applicant prior to the issuance of a certificate of occupancy for the proposed facility.
6. The applicant shall provide curb, gutter and sidewalk improvements along the subject property's entire Kekuanaoa and Kalanikoa Street frontages in a manner meeting with the approval of the Department of Public Works, within three (3) years from the date of issuance of a certificate of occupancy for the proposed facility. This condition shall not restrict the applicant from providing those improvements beyond the property's Kekuanaoa and Kalanikoa Street frontages that are deemed necessary for the proper installation of the above-mentioned improvements.
7. Drainage improvements, if required, shall meet with the approval of the Department of Public Works.
8. Comply with all other laws, rules, regulations and requirements.
9. 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 with and the Planning Director acknowledges that further reports are not required.
10. An extension of time for the performance of conditions within the permit may be granted by the Planning Director

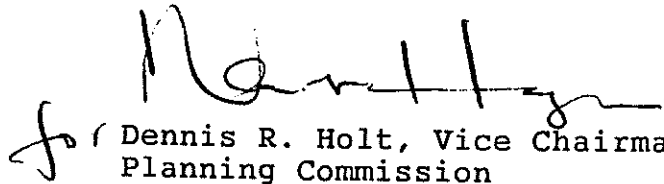
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upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; b) granting 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 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.

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

Sincerely,


for Dennis R. Holt, Vice Chairman
Planning Commission

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jdk

xc: Carpenter & Carpenter
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Mayor
Planning Director
Plan Approval Section
Connie