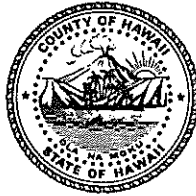


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 Fax (808) 961-9615

#### CERTIFIED MAIL

February 3, 1995

Mr. Donald Tong  
1100 Launa Street  
Hilo, HI 96720

Dear Mr. Tong:

Use Permit Application (USE 94-12)

Applicant: Harvey C. Chong, Jr.

Request: To convert existing single-family dwelling into  
a dental office

Tax Map Key: 2-2-25:Portion of 13

The Planning Commission at its duly held public hearing on January 26, 1995, voted to approve the above application. Use Permit No. 132 is hereby issued to establish a dental office in the Single Family Residential (RS-10) District. The project site is located on the mauka side of Kilauea Avenue approximately 200 feet Puna side of its intersection with Lanikaula Street, Waiakea House Lots Second Series, Waiakea, 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. The establishment of an office for one dentist and assistants within an existing dwelling on a parcel located 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 project site is located within an area designated for Medium Density Urban Development by the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. Such a designation would allow for "commercial . . . and related functions." A policy of the General Plan Land Use Element states that commercial development "The development of commercial facilities should be designed to fit into the locale with minimal intrusion while providing the

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desired services. Appropriate infrastructure and design concerns shall be incorporated into the review of such developments." The applicant proposes to retain the residential character of the neighborhood and the addition of landscaping with renovations to the existing structure would serve to improve the property. Therefore, the proposed use would be consistent with the General Plan policies and the Zoning Code.

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. As stated previously, the request is for one dentist and his staff to utilize an existing single-family dwelling. This low level of use will be minimally intrusive in an area where the property fronts Kilauea Avenue, a major artery between downtown Hilo, Kaiko'o, Waiakea commercial and residential cores. The neighboring Open zoned property also contains offices of the State Department of Agriculture and Plant Industry Division. By the very nature of the proposed use, adverse noise and visual impacts to surrounding properties are not anticipated.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. Numerous dental offices have been established both in commercial zoned areas or by use permits in and around Hilo. The effect of establishing one more dental office will serve the public welfare and will not adversely impact existing related uses.

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. Water and road systems are adequate to accommodate the project. The Department of Public Works recommends that the "[E]xisting concrete sidewalk and planter strip areas along Kilauea Avenue frontage shall be constructed with full width concrete sidewalk." A condition of this permit will imposed such a requirement. All other essential utilities and services are available at or in close proximity to the project site. The proposed use will, therefore, not unreasonably burden public agencies to provide any infrastructural improvements.

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. The applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the approval of this permit.
3. Final Plan Approval for the proposed facility shall be secured from the Planning Department. Plans shall identify existing structures, landscaping, interior alterations, driveway access and parking stalls associated with the proposed use.
4. A certificate of occupancy for the new use shall be secured within three years from the effective date of this permit.
5. The applicant shall reconstruct the existing concrete sidewalk and planter strip areas fronting the subject property with a full width concrete sidewalk meeting with the approval of the Department of Public Works prior to issuance of a certificate of occupancy.
6. The proposed use shall be limited to a maximum of two dentists and their assistants.
7. 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).

Mr. Donald Tong  
February 3, 1995  
Page 4

8. 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.

Should you have any questions, please feel free to contact Connie Kiriu or Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Edward E. Crook, Vice-Chairman  
Planning Commission

CRK:smn

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xc: Honorable Stephen K. Yamashiro, Mayor  
Planning Director  
Mr. Harvey C. Chong  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division - Hilo  
Plan Approval Section