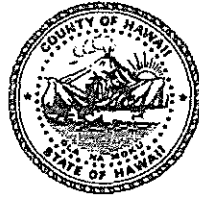


Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • FAX (808) 961-8742

July 10, 2006

Mr. Roy A. Vitousek III, Esq.
Cades Schutte
75-170 Hualalai Road, Suite 303
Kailua-Kona HI 96740

Dear Mr. Vitousek:

SUBJECT: Non-Significant Zoning Change Application (NZC 06-000007)
Applicant: Shell Beach LLC
Landowner: Shell Beach LLC
Mauna Lani Resort
Tax Map Key: 6-8-22:24

This is to acknowledge receipt on June 14, 2006 of your request, on behalf of Shell Beach LLC, for a determination of a non-significant zoning change in accordance with Section 25-2-45 of Chapter 25, Hawaii County Code and Planning Department Rule No. 8.

The subject property was rezoned by the County Council by Change of Zone Ordinance 203 in 1976, 83-982 in 1983, and 87-073 in 1987. By letter dated March 31, 2005, a non-significant zoning change for 0.236 acre each of Open and Multiple Family Residential area was approved.

Since the Mauna Lani Design Review Committee requested that an applicant move the planned carports ten feet further off the road, the proposal is to swap an additional 410 square feet of Multiple Family Residential (RM-3) for 410 square feet of Open (O) area along South Kaniku Drive.

The zoning adjustment involves a change in an area along South Kaniku Drive from Open to Multiple Family Residential and Multiple Family Residential to Open. There will be no increase or decrease in the land area for each of the affected zoning districts as the total change is an equal 410 square feet each.

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According to Section 25-2-45 of the Zoning Code regarding Non-Significant Zoning Changes, the Planning Director may administratively grant non-significant zoning changes that must comply with the designations for the property set forth in the general plan and any development plan adopted by ordinance, and must either:

- (1) Not result in a net increase in the density allowed in the zoning district(s) containing the affected area; *or*
- (2) Be the lesser of a five percent or one acre increase or decrease in the area of any zoning district(s).

Upon review of the request, we have determined that it complies with the criteria set forth in Section 25-2-45(a)(2) of Chapter 25, Hawaii County Code, for determining non-significant zoning changes.

- 1) The adjustment of zoning boundaries will not result in any increase in the zoning densities. The total area of the adjustment for the Open (O) district and the Multiple Family Residential (RM) district is an equal 410 square feet each.
- 2) The area under review is in compliance with the General Plan. The County of Hawaii General Plan (2005) became effective on February 9, 2005. The subject parcel is designated as "Resort Node" on the Land Use Pattern Allocation Guide (LUPAG) Map.
- 3) The changes will not result in a net increase in the density allowed in the zoning districts containing the affected area. There is no increase or decrease in the land area for each of the affected zoning district.

Based on the above, we hereby administratively grant the requested non-significant zoning changes.

Mr. Roy A. Vitousek III, Esq.
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Should you have any questions, please feel free to contact Esther Imamura or Deborah Chang of this office at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

ETI:cd

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cc w/app: Hawaii County Council
Real Property Tax Division
Planning-West Hawaii Office
Planning-TMK Mapping Section (Hans Santiago)
Planning-GIS Section (G. Bailado, w/out map)
Planning-Long Range Section (Deborah Chang)

Scanned Map
Unavailable
Due to Size

See File

