

COUNTY OF HAWAII STATE OF HAWAII

RESOLUTION NO. 328 10

RESOLUTION AUTHORIZING THE EXEMPTION OF CERTAIN CODE REQUIREMENTS, PURSUANT TO SECTION 201H-38 OF THE HAWAII REVISED STATUTES FOR THE PROPOSED MOHOULI HEIGHTS SENIOR HOUSING PROGRAM IN SOUTH HILO, HAWAII

WHEREAS, the Hawai'i Island Community Development Corporation (HICDC) wishes to construct an affordable housing program for seniors ("Project") on land dedicated for that purpose and transferred to the County of Hawai'i by Gubernatorial Executive Order 4224 in South Hilo, Hawai'i, identified as Tax Map Key 3/2-4-001:177, to provide decent, safe and affordable housing for qualified seniors in the County of Hawai'i ("County"); and

WHEREAS, Hawai'i Revised Statutes (HRS), Section 201H-38, in conjunction with HRS 46-15.1, allows the County to exempt the Project "from all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon ..." contingent on County Council approval; and

WHEREAS, the Program will promote the goals contained in Section 201H-38 of the HRS, and Chapter 2, Article 13, of the Hawai'i County Code ("Code").

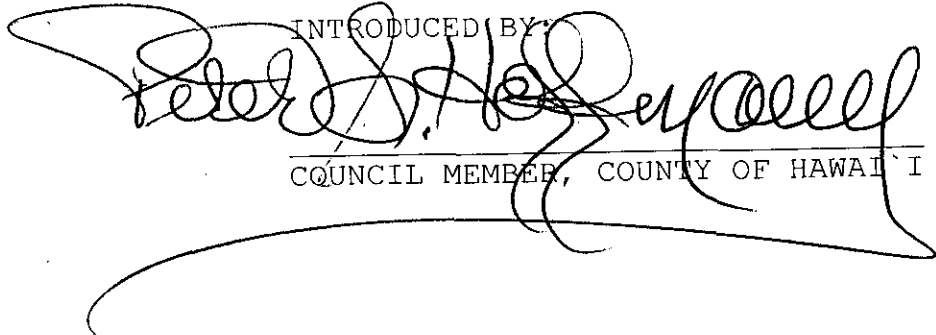
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAII, that the exemptions requested for the Project attached hereto as "Exhibit A" are hereby approved.

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Planning Director and Housing Administrator of the County.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Dated at Kona, Hawai'i, this 20th day of April, 2010.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

COUNTY COUNCIL
County of Hawai'i
Hilo, Hawai'i

ROLL CALL VOTE

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on April 20, 2010.

ATTEST:

	AYES	NOES	ABS	EX
ENRIQUES			X	
FORD	X			
GREENWELL	X			
HOFFMANN	X			
IKEDA	X			
NAEOLE -Beason	X			
ONISHI	X			
YAGONG	X			
YOSHIMOTO	X			
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COUNTY CLERK

CHAIRMAN & PRESIDING OFFICER

Reference C-783/CHA-04/06/10

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Pre-emption List

Hawai`i County Code:

State Land Use: Existing designation - Agriculture

Zone Code: Existing Zoning - Agriculture - 1 acre
(A-1a)

- Permitted Uses (Section 25-5-72)

Zoning Code: Existing parking requirement one and
one quarter per unit

- Required Number of Parking Spaces
(Section 25-4-51)

Additional pre-emption:

Zoning Code: Off Street loading requirements
(Section 25-4-56)

Zoning Code: Minimum distance between Main
Buildings on same Building Site
(Section 25-4-47)

MOHOULI SENIOR NEIGHBORHOOD

PRE-EMPTION REQUEST

PROJECT PARAMETERS

Tax Map Key No.: (3) 2-4-001: 177

Lot Size: 15.948 Acres

State Land Use: Agriculture

General Plan Designation: Medium Density Urban

Zoning: A-1a

Number of Units: Approximately 160 one-bedroom rental units

Additional Uses: Central core activity center to provide services to residents

Status: State and Federal Final Environmental Assessment/FONSI completed

EXEMPTIONS REQUESTED

1. State Land Use: Existing designation -- AGRICULTURE

Exemption requested: State Land Use designation from AGRICULTURE to URBAN for the upper fifteen (15) acres of subject property.

2. Zoning Code: Existing zoning - Agriculture One Acre (A-1a)

Exemption requested: Change of zone from Agriculture One Acre (A-1a) to Multi-Family Residential Four Thousand (RM-4) for the upper fifteen (15) acres of subject property.

3. Zoning Code: Existing parking requirement one and one quarter (1.25) per unit

Exemption requested: Reduction of the parking requirement from one and one quarter (1.25) per unit to one (1.0) per unit