

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

APPLICATION FOR	)	
SPECIAL MANAGEMENT AREA	)	
USE PERMIT	)	SMA USE PERMIT
by	)	NO. <u>136</u>
ROBERT SCHLEGEL	)	
for	)	
18-Unit Condominium Project	)	
and Related Improvements	)	
in	)	
Holualoa 4th, North Kona, Hawaii	)	
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SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on July 16, 1980, considered the application of ROBERT SCHLEGEL for a Special Management Area Use Permit in accordance with Rule No. 9 of the Planning Commission, Rules and Regulations Relating to Environmental Shoreline Protection to allow the development of an 18-unit condominium project and related improvements at Holualoa 4th, North Kona, Hawaii, Tax Map Key 7-7-15:79-82.

The Commission has found the following:

That the proposed development is not anticipated to have any substantial adverse or environmental or ecological effects. The purpose of the requests is to allow the development of an 18-unit condominium project. The proposed development also includes a swimming pool, recreation center, landscaping, parking and other related improvements.

The property is not known to contain any unique ecological systems, nor provide habitats for any endangered plant or animal species. As evidenced by the Archaeological Reconnaissance Survey Report prepared by Archaeological Research Center Hawaii, Inc., it also does not contain any archaeological or historical features of importance.

The proposed development is not anticipated to have any significant adverse impacts on coastal ecosystems or public access along the shoreline since the property is quite a distance from the shoreline.

No adverse impacts on air and water quality are expected to be generated by the proposed development. The nature of the proposed development is such that no unusual air emissions are likely to be produced from it. Air emissions generated during the construction phase can be mitigated by existing regulations. Any potential runoff or discharge as a result of the project can be handled by on-site improvements as may be

required by the Department of Public Works. Further, negative impacts resulting from soil erosion and runoff during site preparation and construction phases are unlikely, but should they occur they can be adequately mitigated through compliance with existing ordinances and regulations.

In regards to the disposal of sewage, the petitioner intends to construct a private sewage treatment plant on the property meeting with the approval of the appropriate agencies. All other essential utilities and services, including water, are or will be made available to the subject property. In this regard, the proposed development will complement the Multiple Residential element of the General Plan which encourages the development of multiple residential units in areas serviced by existing infrastructures.

The proposed development will somewhat alter the existing landscape of the area as the property is located on the makai side of the Kuakini Highway. Except for some of the other lots within the Kona Sea View Lots Subdivision, the area makai of Kuakini in this general vicinity is relatively underdeveloped. The construction of buildings would therefore change the existing character of the property. However, there presently exists and proposed to be developed, several condominiums within the Kona Sea View Lots Subdivision. Some of these, such as the adjacent Kona Eastwind Condominium building, have or are being constructed at heights higher than that proposed for the subject development. As a matter of comparison, the height of the Kona Eastwind Condominium from the elevation of Kuakini Highway is 43+ feet while the proposed buildings will be at the maximum height of 28 feet from the Kuakini Highway elevation. The height of the subject buildings from the finished grade, which will be below Kuakini Highway, will be about forty (40) feet.

The condominium buildings proposed will be three (3) stories in height. However, because of the design of the buildings, which would include a "livable" mezzanine and basement, the buildings do have a four (4) and five (5) story appearance. As such, as a condition of approval, the petitioner will be required to redesign the buildings in order that the buildings would have a three-story exterior appearance.

One (1) of the buildings will be constructed almost parallel to Kuakini Highway and will be about 118 feet in length while the other building will be about 59+ feet in length. Since the subject property is situated along the makai side of Kuakini Highway, careful consideration must be given to the design of the building bulk relative to the building site. As such, as indicated as a condition of approval, the strong horizontal element of the buildings would have to be broken up by the use of mature trees as part of the landscaping for the project.

With the above-cited in mind, it is determined that although the view plane from Kuakini Highway to the shoreline (mauka-makai) may be obstructed somewhat from the proposed development, with certain revisions to the plan, the development will not be of a substandard nature as to warrant the denial of the requests.

Insofar as the future road widening of Kuakini Highway is concerned, it is undetermined at this time what effects it may have on the proposed development. This concern, however, can be mitigated with the imposition of a condition of approval that prior to submission of plans for construction, approval and clearance must be first obtained from the State Department of Transportation, Highways Division.

Based on the above, it is determined that the proposed development will not have any substantial adverse impacts on surrounding area nor will its approval be contrary to the objectives and policies of Chapter 205-A or with the intent of Rule 9. The granting of the request to allow the construction of the 18-unit condominium project also will not be violative of the purpose and intent of the Planned Development Permit provision of the Zoning Code.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the development of an 18-unit condominium project and related improvements at Holualoa 4th, North Kona, Hawaii, pursuant to the authority vested in it by Rule No. 9 of the Planning Commission.

Approval of the Special Management Area Use Permit is subject to the following conditions:


1. That prior to submission of the plans for Plan Approval, the petitioner shall submit the plans to the State Department of Transportation, Highways Division and obtain approval and/or clearance of the project in relationship to its proposed Kuakini Highway Improvement Project No. F-011-1(8).
2. That upon compliance with Condition No. 1, the petitioner/representative shall have six (6) months in which to submit plans for and secure approval for the consolidation of parcels 79, 80, 81 and 82 of TMK: 7-7-15.
3. That plans for the proposed development shall be submitted to the Planning Department and Final Plan Approval secured within one (1) year from the date of approval of the consolidation plan.
4. That construction commence within one (1) year from the date of receipt of Final Plan Approval and be completed within two (2) years thereafter.
5. That no access shall be allowed from Kuakini Highway. Further, the location of the driveway shall meet with the approval of the Department of Public Works.
6. That to minimize the strong horizontal element of the building (Building A on presentation map) along Kuakini Highway, mature trees, a minimum of 8 to 10 feet in height, shall be planted as part of the landscaping meeting with the approval of the Planning Department.

7. That the proposed buildings shall not exceed the heights as noted on the submitted plans, which includes a maximum height of 28 feet from the Kuakini Highway elevation. Further, the loft area or mezzanine shall be removed or the buildings shall be redesigned to reflect an exterior appearance of three (3) story buildings as approved by the Planning Department.
8. That all other applicable rules and regulations including those pertaining to drainage, water, sewage, and building requirements shall be complied with.

Should the foregoing conditions not be met, the Special Management Area Use Permit may be deemed null and void by the Planning Commission.

The effective date of this Permit shall be August 7, 1980.

Dated at Hilo, Hawaii, this 14<sup>th</sup> day of October, 1980.

  
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WILLIAM J. PARIS, JR.  
Chairman, Planning Commission

APPROVED AS TO FORM AND LEGALITY:

  
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DEPUTY CORPORATION COUNSEL

Date: 1 Oct 80