

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 88-1

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on January 14, 1988, an assessment on the application of John Twomey for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: the establishment of a temporary condominium site sales office and modification to an existing recreational area. The project site is the existing Keauhou Gardens Condominium located along the makai side of Ali'i Drive and bordered by the 14th, 15th, and 16th fairways of the Kona Country Club Golf Course, Keauhou, North Kona, Hawaii, TMK: 7-8-10:52.

As indicated on the attached report, the Director finds that the proposed development is:

- 1) not in excess of \$65,000; and
- 2) will not significantly affect the SMA.

Therefore, with concurrence of the Chief Engineer, the Director hereby grants to the applicant a minor use permit under the authority vested in him by Section 9.7.C of said Rules, with the following condition(s) that:

See attached conditions

Herbert Hayami
for Chief Engineer, DPW

A. D.
Planning Director

Attachment

6257A-5/84

Val = \$23,100
PT = 1 day

BACKGROUND

2131Q - 1/20/88

John Twomey, Vice President of Shell Realty Hawaii, Inc. is requesting a Special Management Area (SMA) Use Permit to allow the establishment of a temporary condominium site sales office and modifications to an existing recreational area. The project site is the existing Keauhou Gardens Condominium located along the makai side of Ali'i Drive and bordered by the 14th, 15th and 16th fairways of the Kona Country Club Golf Course, Keauhou, North Kona, Hawaii, Tax Map Key 7-8-10:52.

Specifically, the applicant proposes to convert two (2) existing four (4) car garages into condominium time sharing sales offices. In addition, some minor exterior modifications are proposed for the pool area. The temporary sales office building will be restored to original use after the time share condominium units have been sold.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for Medium Density Urban Development. The State Land Use District classification is Urban and the County zoning designation is Multiple Residential with a density 2,000 square feet of land area per unit (RM-2).

The subject property has been extensively developed to facilitate the existing 112 unit condominium complex and related improvements. SMA Major Use Permit No. 106 was approved by the Planning Commission on July 12, 1979 to allow this development.

The subject property fronts on Ali'i Drive is surrounded by three fairways of the Kona Country Club Golf Course. Adjacent properties are zoned for and contain Resort and Resort related uses.

According to the Flood Insurance Rate Map (FIRM) prepared by the U.S. Army Corps of Engineers, the subject area is situated outside the coastal high hazard area.

Since the existing area has been extensively improved and since most activities will be occurring within existing structures, there are no rare or endangered plant or animal species affected by the proposal nor will any sites of historic significance as listed by the State or National Register of Historic Places be affected by the proposed project.

The subject site is located approximately 600 feet from the shoreline.

The total valuation of the proposal is approximately \$23,000.

Recommendation

A SMA Minor Use Permit is issued based on the following findings:

- 1) The total valuation of the proposed will not exceed \$65,000;
- 2) The proposal will not result in a significant adverse effect on the Special Management Area (SMA).

The proposed project is consistent with the Special Management Area objectives, policies, and guidelines. These were established to provide guidance for the preservation, protection and development of the coastal resources of the State and County. The guidelines identify several areas of management concerns including recreational, historic, scenic and open space resources, coastal ecosystems, economic uses, and coastal hazards.

The coastal recreational resources of the subject area will not be negatively impacted by this project since the proposal is over

600 feet from the shoreline. In addition, the proposal will not impede pedestrian shoreline access to or along the shoreline. The subject area has been extensively altered in the past, and therefore, no endangered species of plant or animal will be affected nor will any site of historic significance be affected by this proposal. Since most of the proposal will occur within existing structures, scenic and open space resources will not be negatively impacted.

The proposed time sharing condominium sales office and exterior recreational renovations to the condominium complex are consistent with the existing Multiple Residential zoned district as well as the Medium Density Urban designation of the General Plan.

A Special Management Area Minor Use Permit is approved subject to the following conditions:

- 1) The applicant, its successors or assigns shall be responsible for complying with conditions of approval.
- 2) Plans for the proposal shall be submitted to the Planning Department and secure Final Plan Approval within one year from the effective date of approval of this SMA Minor Use Permit.
- 3) Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
- 4) Comply with all other applicable, rules, regulations and requirements.
- 5) 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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.