

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR USE PERMIT)
by)
KONA PACIFIC PARTNERS) USE PERMIT NO. 17
from)
MAXIMUM ALLOWABLE HEIGHT LIMIT)
in)
KAILUA, NORTH KONA, HAWAII)

USE PERMIT

The County of Hawaii Planning Commission at its duly held public hearings on April 26 and May 31, 1979, considered the application of KONA PACIFIC PARTNERS for a Use Permit in accordance with Article 5, Section 4 of Chapter 8 (Zoning Code), Hawaii County Code, as amended, to allow the construction of a 4-story condominium building in lieu of the maximum allowable height limit of three (3) stories as stipulated within the Multiple Residential (RM) zoned district. The properties involved are located between Walua Road and Kuakini Highway at the intersection of Alii Drive and Walua Road, Kailua, North Kona, Hawaii, Tax Map Key 7-5-09: 3, 38, 49, 60, 61 & 62.

The Commission has found:

It is determined that the condominium building proposed to be constructed at a height of four (4) stories and forty-five (45) feet does meet the criteria established for an additional story Use Permit as stipulated within the Multiple Family (RM) zoned district. The primary criteria used in determining whether a Use Permit should be granted for an additional story and height is if "...the taller building will not dominate the landscape."

Although a Use Permit is being requested for the additional story, only a portion of the building will be affected. Further, that portion of the building which will be four (4) stories in height will not exceed the maximum allowable limit in terms of feet. The proposed forty-five (45) foot building will be within the height limit (in feet) established within the RM zoned district. The building is designed in such a manner that those portions fronting the public roadway, both Kuakini Highway and Walua Road, will be well within the

maximum allowable height. Both ends of the building will be three (3) stories and approximately forty (40) feet in height. Only the center portion of the building will exceed the allowable height limit in terms of the number of allowable stories and five (5) feet in height. Because of the sloping terrain running in a mauka-makai direction, that portion of the building which will exceed the height limit will not be significantly noticeable from both roadways. In fact, because of the design of the building, the building from both a mauka and makai view would have an appearance of a three (3) story/40-foot high building. Therefore, the view planes from Kuakini Highway and Walua Road will not significantly be impeded. Since the proposed building will be terraced in relationship to the topography and slope of the land, the additional story will not be pronounced.

The effect of the building will also be softened by the adjoining Malia Kai and Kona Mansions Condominium buildings. Furthermore, heavy landscaping, including the use of taller trees will be planted to soften the impact of the building.

Based on the design of the building and its proposed improvements, including landscaping, it is felt that the building will not detract nor have an adverse impact on the adjacent buildings and landscape of the surrounding areas.

Based on the above, it is felt that the additional story for a portion of the proposed building will not dominate the landscape of the immediate area.

It should be further pointed out that although the petitioner could possibly comply with the maximum allowable height limit and still provide for the desired number of condominium units, the building would have to be redesigned in such a manner that the appearance of the building would be "bulky". It would have to be arranged in a manner which would literally create a massive wall along both the mauka and makai property lines along Kuakini Highway and Walua Road. It is therefore felt that the present design of the building would be more in the direction of complying with the criteria of the Use Permit.

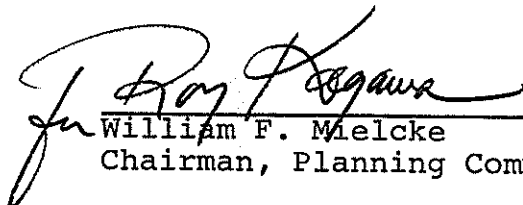
Therefore, the Commission hereby grants to the petitioner a Use Permit to allow the construction of a 4-story condominium building in lieu of the maximum allowable height limit of three (3) stories at Kailua, North Kona, Hawaii, pursuant to the authority vested in it by Article 1, Section 8 of the Zoning Code, subject to the following conditions:

1. That the conditions as outlined in the accompanying Special Management Area (SMA) Use Permit and Planned Development Permit (PDP) be complied with.
2. That no portion of the building shall exceed forty-five (45) feet in height. Further, those portions of the building along Kuakini Highway and Walua Road shall not exceed the three (3) story height limit nor shall it be higher than forty (40) feet.
3. That extensive landscaping along the Kuakini Highway portion of the parcel be developed to cushion the effect of the building from pedestrian and vehicular traffic. Said landscaping plan shall be submitted in conjunction with the plans for Plan Approval review.
4. That all other applicable rules, regulations and requirements be complied with.

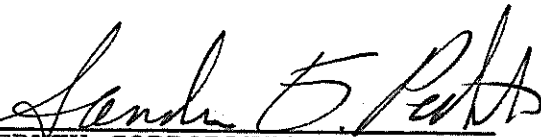
Should any of the delineated conditions not be complied with the Use Permit may be deemed null and void by the Planning Commission.

The effective date of this Use Permit shall be from May 31, 1979.

Dated at Hilo, Hawaii, this 21st day of June, 1979.


for William F. Mielcke
Chairman, Planning Commission

APPROVED as to
FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: JUN 15 1979