

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR USE PERMIT)
by)
KEAUHOU KAI VENTURES)
from)
MAXIMUM ALLOWABLE)
HEIGHT LIMITS)
in)
Keauhou, North Kona, Hawaii)

USE PERMIT NO. 18

USE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on June 27, 1979, and at its regular meetings of July 12, 1979 and July 25, 1979, considered the application of KEAUHOU KAI VENTURES for a Use Permit in accordance with Article 5, Section 4 of Chapter 8 (Zoning Code) of the Hawaii County Code, as amended, to allow the construction of a 4-story condominium structure in lieu of the maximum allowable height limit of three (3) stories as stipulated within the Multiple Residential (RM) zoned district. The property involved is located along the west or makai side of Kam III Road, approximately 145 feet south of the Kam III Road-Holua Road intersection, Keauhou, North Kona, Hawaii, Tax Map Key 7-8-12:32.

The Commission has found:

That the proposed development is not anticipated to have any substantial adverse environmental or ecological effects. The purpose of the subject requests is to allow a condominium building containing eighteen (18) units. The proposed development also includes recreational facilities, landscaping, parking and other related improvements. The proposed building will be broken down into three (3) elements at different elevations which will help in visually integrating it with the natural slope. A greater portion of the property has already been graded; therefore, any further grading to the property will not be of a substantial nature as to disrupt the present topography of the land. The subject property is located approximately 450 feet from the shoreline. Since the subject site is not situated along the shoreline, it is felt that the proposed development will not interfere with the natural shoreline processes. Thus, the impact on the shoreline is expected to be minimal. Further, the proposed development will not interfere with publicly owned or used recreational areas, with any natural areas or with public accesses to the shoreline.

There are also no known rare or endangered species of plants or animals or unique landforms on the subject property.

Although an archaeological survey did indicate that some archaeological remains were found on the property, any concerns will be mitigated through conditions of approval of the permits.

In regards to the disposal of sewage, connection will be made to the existing County system; otherwise, the petitioner would have to provide its own on-site sewerage treatment system.

All other essential utilities, including a 12-inch waterline, 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 family units in areas zoned for such use and serviced by existing facilities.

In regards to the Use Permit request for the additional story, it is determined that the condominium building proposed to be constructed at a height of four (4) stories and forty-four (44) 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-four (44) 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 one (1) section of the building would have an appearance of being three (3) stories in height, and will be approximately thirty-seven (37) feet in height. No living units are being proposed for the first floor. It will primarily be used for parking and other non-habitable uses, i.e. lobby, etc. since the subject property is situated within the potential tsunami inundation area.

At the location where the proposed building will be sited, there is a difference in elevation of approximately twelve (12) feet. That section of the building which will be situated on the north or Kailua side of the property will be sited at an elevation of approximately fifty (50) feet. The Ka'u or southern portion

of the building will be constructed at an elevation of thirty-eight (38) feet. Based on the design of the building in relationship to the sloping terrain running in a north-south direction, the building from a north-south view would have an appearance of a three (3) story building. Therefore, the viewplanes from a north-south orientation will not be significantly 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.

Furthermore, the effect of the building will also be softened by the existing and proposed landscaping of the area. It is determined that the existing landscape, which includes trees which are higher than the proposed building, will soften the impact.

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 surrounding buildings and landscape. As such, the proposed building does conform to the criteria for granting of a Use Permit as it will not significantly dominate the landscape of the immediate area.

Therefore, the Commission hereby grants to the applicant a Use Permit to allow the construction of a 4-story condominium structure in lieu of the maximum allowable height limit of three (3) stories as stipulated within the Multiple Residential (RM) zoned district. The property involved is located along the west or makai side of Kam III Road, approximately 145 feet south of the Kam III Road-Holua Road intersection, Keauhou, North Kona, Hawaii, Tax Map Key 7-8-12:32, pursuant to the authority vested in it by Article 1, Section 8 of Chapter 8 (Zoning Code) of the Hawaii County Code, as amended, subject to the following conditions:

1. That the proposed development conform substantially to the plans submitted and representations made by the petitioner, except as may be necessary or required in order to comply with any other conditions of approval and/or subsequent actions.
2. That the petitioner, or its authorized representative, shall submit plans and secure final plan approval within one (1) year from the effective date of approval of the permits.
3. That construction commence within one (1) year from the date of receipt of final plan approval and be completed within two (2) years thereafter.
4. That the height of the building shall not exceed forty-five (45) feet.
5. No living units shall be allowed on the first floor.

6. That a detailed landscaping plan be submitted for review and approval by the Planning Director. The landscaping plan should also include the use of taller trees along the front portion of the building.
7. That the archaeological report prepared by Lloyd Soehren shall be submitted prior to the issuance of any grading or grubbing permit and final plan approval. Further, if any other archaeological remains are found during land preparation activities, work shall immediately cease and the petitioner/representative shall immediately notify the Planning Department. Work shall not be resumed until a review and clearance is obtained from the Planning Department.
8. That the method of sewage disposal shall meet with the requirements and approval of the County Department of Public Works and State Department of Health.
9. That only one (1) access be permitted from the Kam III Road. The location of the access shall meet with the approval of the County Department of Public Works.
10. That the petitioner shall dedicate to the County an area of approximately 856 square feet along the Kam III Road for additional improvements to the stated roadway. The land area requested for dedication is on file with the Department of Public Works. Further, the petitioner shall construct a sidewalk along the roadway fronting its property, meeting with the approval of the Department of Public Works. Such improvements shall be constructed prior to the issuance of the occupancy permit of the proposed building.
11. That all other applicable rules, regulations and requirements, including those of the Department of Water Supply, shall be complied with.

Should any of the foregoing conditions not be met, the Use Permit may be deemed null and void by the Planning Commission.

The effective date of this permit shall be from July 25, 1979.

Dated at Hilo, Hawaii, this 13th day of September, 1979.

APPROVED AS TO FORM
AND LEGALITY:



DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII


WILLIAM F. MIELCKE
Chairman, Planning Commission

Date: AUG 27 1979