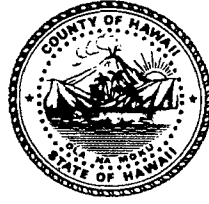


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## County of Hawai'i

### LEEWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

FEB 26 2018

Mr. Roger K. Brasel, AIA  
Hawai'i Island Architects, LLC  
P. O. Box 390068  
Keauhou, HI 96739

Dear Mr. Barsel:

**SUBJECT: Use Permit No. USE 17-000073**  
**Applicant: KS Owner, LLC**  
**Permitted Use: Allowed the Establishment of an 18-Hole Golf Putting Course**  
**Tax Map Key: 6-9-008:005 (Putting Course) and 6-9-007:001 (Parking)**

The Leeward Planning Commission, at its duly held public hearing on February 15, 2018, voted to approve the above-referenced request to allow the establishment of an 18-hole golf putting course on a portion of a 9.312-acre parcel of land within the Village Commercial – 10,000 square feet (CV-10) zoned district. Parking for the putting course will be provided on the adjacent 4.503-acre property to the south in the parking lot for the Kings' Shops. The project site is situated at 250 Waikoloa Beach Drive and is the location of the Kings' Shops, which is on the northwest corner of Pohakulana Place and Waikoloa Beach Drive, Waikoloa Beach Resort, South Kohala, Hawai'i.

Approval of this permit is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Construction of the proposed development, as substantially represented by the applicant, shall be completed within five (5) years from the effective date of this permit. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25 2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify all existing and proposed structure(s), paved driveway access and parking stalls associated with the proposed development with the

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FEB 26 2018

appropriate yard setbacks. Landscaping shall be indicated on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements) and Chapter 25 (Zoning Code), Hawai'i County Code.

3. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
4. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sediment Control of the Hawai'i County Code.
5. In the unlikely event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g. rock walls, terraces, platforms, etc.), petroglyphs, cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651.
6. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
7. An initial 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.
  - 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).

Mr. Roger K. Brasel, AIA  
Hawai'i Island Architects, LLC  
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Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate the revocation of the Use Permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies

Approval of this permit is based on the reasons given in the attached Findings Report.

Should you have any questions, please contact Christian Kay of the Planning Department at 961-8136.

Sincerely,



Keith F. Unger, Chairman  
Leeward Planning Commission

LKSownerUSE17-073lpc  
Enclosure: PC Findings Report

cc: KS Owner, LLC  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division - Hilo  
Department of Land & Natural Resources - HPD  
GIS Section

**COUNTY OF HAWAI‘I**  
**PLANNING COMMISSION FINDINGS**

**KS OWNER, LLC**

**USE PERMIT APPLICATION NO. 17-000073**

Based on the following findings, Use Permit No. 17-073 is hereby issued to allow the establishment of an 18-hole golf putting course on a portion of a 9.312-acre parcel of land within the Village Commercial – 10,000 square feet (CV-10) zoned district. Parking for the putting course will be provided on the adjacent 4.503-acre property to the south in the parking lot for the Kings’ Shops. The property is located at 250 Waikoloa Beach Drive and is the location of the Kings’ Shops, which is on the northwest corner of Pohakulana Place and Waikoloa Beach Drive, Waikoloa Beach Resort, South Kohala, Hawai‘i, TMK: (3) 6-9-008:005 por and 6-9-007:001.

The applicant, KS Owner, LLC, is requesting a Use Permit to allow the establishment an 18-hole golf putting course and related improvements on a portion of a 6,342-square foot portion of a 9.312-acre parcel of land within the Village Commercial – 10,000 square feet (CV-10) zoned district. The permit area consists of a 5,842-square foot putting course, a ticket booth consisting of 100 square feet and bathrooms for putting course users consisting of 400 square feet. Parking for the putting course will be provided on the adjacent 4.503-acre property to the south within the existing Kings’ Shops parking lot. The applicant proposes to remove the existing lawn and some trees and shrubs, place and compact six (6) inches of base material, add irrigation equipment, and install synthetic putting greens. The existing concrete walkway will remain and landscaping will be installed between the putting greens.

The applicant wishes to provide a putting course for all ages. The applicant anticipates approximately 100 people will play the course each day. Proposed hours of operation are 9:30 a.m. to 9:30 p.m., seven (7) days a week and there will be one (1) employee to manage the facility.

According to the applicant, the project will be developed in two phases with the first nine (9) hole Phase I to be completed in two (2) years from approval of the permit and the remaining nine (9) hole Phase II to be completed within five (5) years. The estimated project cost is approximately \$400,000.

In considering a Use Permit for any proposed use, Rule 7 of the Planning Commission relating to Use Permits requires that such action conform to the following guidelines:

A. The granting of the proposed use shall be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan;

B. The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties; and

C. The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure.

The proposed 18-hole golf putting course, parking and related improvements meets the guidelines for approval of a Use Permit, for the reasons outlined below:

**The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan.** The intent and purpose of the Zoning Code is to promote health, safety, morals or the general

welfare of the community through regulations and restrictions relative to the location and use of buildings, off-street parking, the percentage of lots that may be occupied, the density of population and land for trade, industry, residence or other purposes. The proposed use is situated within the State Land Use Urban district and County's Village Commercial District with a minimum building site of 10,000 square feet (CV-10). According to Section 25-5-122(b)(1), golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district, provided that a use permit is issued for each use.

Parking for putting course users will be provided in the existing Kings' Shops parking lot on the adjacent property to the south. According to Hawai'i County Code, Chapter 25-4-51 (a)(9), the required parking for a golf course is four (4) parking spaces for every hole, therefore this project will require a total of 72 parking spaces. According to the applicant, the Kings' Shops parking lot has a total of 454 parking spaces available, which is 132 parking spaces more than is required for the Kings' Shops commercial area. Confirmation of the availability of required parking will occur through the Plan Approval process, which will be required as a condition of approval of this permit.

Based on the preceding, the proposed request is consistent with the general purpose of the zoning district and the intent and purpose of the Zoning Code.

The County of Hawai'i's General Plan is the policy document for the long range comprehensive development of the island of Hawai'i. One of the purposes of the General Plan is to guide the pattern of future development in this County based on long-term goals. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property as Resort Node. These areas include a mix of visitor-related uses such as hotels, condominium-hotels (condominiums developed and/or operated as hotels), single family and multiple family residential units, golf courses and other typical resort recreational facilities, resort commercial complexes and other support services.

The proposed project will complement the following goals, policies and standards of the Economic and Land Use elements of the General Plan:

**Economic Element**

- Economic development and improvements shall be in balance with the physical, social and cultural environments of the island of Hawai'i.
- Provide an economic environment that allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural and social environment.

**Land Use Element-Resort**

- Maintain an orderly development of the visitor industry.
- Provide for resort development that maximizes conveniences to its users and optimizes the benefits derived by the residents of the County.
- Promote and encourage the rehabilitation and the optimum utilization of resort areas that are presently serviced by basic facilities and utilities.

Based on the preceding, the proposed use is consistent with the General Plan designation and is in keeping with the goals, policies and standards of the General Plan.

**The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties.** The land uses in the immediate area are a mix of hotel/resort, commercial and multi-family residential uses found in the Waikoloa Beach Resort Complex. Across Waikoloa Beach Drive to the south is the Marriott Hotel, zoned Resort (V-1.25). Lands to

the north, west and south of the subject parcel are largely zoned Open and consist of golf course, open space, Kings' trail and archaeological preserve areas. Other lands in the vicinity are zoned for Multiple-Family Residential uses (RM-1.5 and RM-4).

The proposed 18-hole golf putting course will be located on the east (mauka) portion of the parcel adjacent to the existing Roy's Waikoloa Bar & Grille. That area is currently a grassed and landscaped open space with a concrete walking path through the area. The ticket booth will be within the main Kings' Shops walkway and the designated bathrooms are located within the Kings' Shops.

The proposed use is consistent with resort type entertainment and recreational offerings in the area and is adjacent to an existing golf course. Additionally, the concrete walkway will remain open for the public to use and the existing and proposed landscaping will create a visual buffer from the roadway, sidewalk and King's trail across Pohakulana Place.

Finally, the 9:30 a.m. to 9:30 p.m. operating hours are consistent with the operating hours of the Kings' Shops, so it is unlikely that there will be any detrimental noise impacts to surrounding properties.

Based on the preceding, it is not anticipated that the granting of the proposed use will be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties.

**The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure.**

Access to the Kings' Shops parcel is via Waikoloa Beach Drive, which is a private roadway with approximately 50 feet of pavement within a 90-foot right-of-way. Access to the parking lot parcel is from Ku'uali'i Place, which is a private roadway with approximately 40 feet of pavement within a 67-foot right-of-way. The roads are privately maintained and designed to handle traffic for the entire resort.

According to the Department of Water Supply (DWS), the water system in this area is privately-owned and operated and the subject properties are connected to a private wastewater system. All other essential utilities, such as electricity, cable and telephone services are available to the subject properties.

Conditions of this permit will require that all development related runoff be disposed of on-site and shall not be directed to any adjacent properties and that all earthwork will conform with Chapter 10 Chapter 10 - Erosion and Sedimentation Control-of the Hawai'i County Code.

Fire and police services are available in Waikoloa. Based on the preceding, the proposed project will not unreasonably burden public agencies to provide essential infrastructure.

**The subject request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management Area.** The Special Management Area (SMA) is part of the Coastal Zone Management Program regulated by the County. Both subject properties are located entirely within the Special Management Area. The closest property line is located approximately 1,450 feet from the nearest coastline. SMA Use Permit No. 25 was granted in 1977 to allow the development of the Waikoloa Beach Resort complex, including 3,000 hotel rooms approximately 3,430 multiple residential units, two (2) golf courses, other recreational facilities, commercial facilities, temporary construction and maintenance yard, infrastructures such as roads utilities, and other related improvements necessary for the development of the resort complex. The proposed project is covered under SMA Use Permit No. 25.

There was no formal archaeological study submitted with this application as the putting course will be constructed on previously developed land. According to the State Historic Preservation Division (SHPD): *"A review of SHPD records indicates that an archeological inventory survey (AIS) has been conducted for these parcels (Jensen 1989), and that 131 historic properties were identified and assessed as significant under Criterion d for their information potential. Of these, nine were recommended for no further work and four were recommended for data recovery. Two of the previously identified sites occur within the current project area: Site 50-10-10-5733 (a petroglyph/tool manufacturing complex) and Site 50-10-10-5734 (a petroglyph/tool manufacturing complex). Both sites were included in the data recovery plan (Jensen 1989) and subsequent data recovery was completed. In a letter dated September 20, 2006 (Log No. 2006.3107, Doc. No. 0609JT52), SHPD commented on a previous project within the parcels and indicated that the historic review process is complete for the parcel and that all mitigation has been completed. On January 29, 2018, SHPD conducted a site visit with a County of Hawaii official to determine if any additional archaeological work would be necessary for the proposed project. The site visit was to determine the presence of any historic properties not previously identified; none were observed during the site visit. The project area has been landscaped and any known historic properties have been either mitigated or been covered by fill associated with the present use of the project area. SHPD's determination is no historic properties affected for the current project."* Furthermore, there is no record of a designated public access to the shoreline or mountain areas that traverses the property. A condition of approval will require the applicant to cease work and call SHPD should any archaeological, historical or cultural resources, including petroglyphs, be identified as part of project development. Based on the preceding, it is not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area.

Based on the preceding findings, the establishment of an 18-hole golf putting course, parking and related improvements situated within the Neighborhood Commercial (CN-10) zoned district is compatible with the existing land uses and the physical and social environment of the area, and promotes the effectiveness and objectives of the Zoning Code and General Plan. However, this recommendation is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the proposed use, prior to its commencement or establishment upon the subject property. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.