PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for USE PERMIT by KAMEHAMEHA DEVELOPMENT CORP. in Keauhou, North Kona, Hawaii	Use Permit No. 15

USE PERMIT

The County Planning Commission at a duly held public hearing on November 6, 1975 considered the application of KAMEHAMEHA DEVELOPMENT CORP. for a use permit from Chapter 8, (zoning Code), Article 5, Section 3, Hawaii County Code, as Amended, more specifically to allow the construction of a championship tennis complex within a Multiple Family Residential - 2,000 square foot (RM-2) zone located in the area surrounded by the 2nd and 8th fairways and the No. 4 green of the Keauhou Golf and Country Club in Keauhou, North Kona, Hawaii, Tax Map Key 7-8-10:portion of 34.

The Commission has found that:

1. The proposed use will not militate against the County General Plan. The area under consideration is designated for major resort use by the General Plan. Such a designation refers to a self-contained resort destination area which provides basic and support facilities for the needs of the entire development. In addition to the basic infrastructure, the General Plan states that such facilities shall include recreational amenities. The requested use is in keeping with this requirement in that the proposed tennis complex will be furthering the provision of recreational facilities within this major resort area, thereby meeting the General Plan designation.

2. The proposed use is consistent with the general purpose and intent of the zone and the Zoning Code. The Zoning Code allows the proposed facility in the Multiple Family Residential (RM) zone when it is developed in conjunction with and ancillary to overall multiple family residential development. In this particular case, however, the applicant is requesting to establish the recreational facilities prior to any other major permitted use. It is the intent of the applicant to subsequently develop multiple family residential dwelling units on the subject property. At that time, the proposed tennis complex would become accessory to the overall development and a normally permitted use. It is therefore determined that the requested use is not in and of itself inconsistent with the intent of the zoned district nor the spirit and purpose of the Zoning Code.

3. Approval of the proposed use will not adversely affect surrounding properties nor will it constitute a grant of special privilege inconsistent with limitations upon other properties which are identically zoned. Surrounding uses include the Keauhou Golf Course, the Kona Surf Hotel, multiple family residential developments, and vacant land, some of which is zoned for multiple family residential or resort uses. The Keauhou area in the vicinity of the subject property is directed towards resort-residential use. The proposed tennis complex is the first phase of a proposed residential condominium project. The proposed use and the overall conceptual development is compatible with surrounding uses. Further, the proposed tennis complex is expected to benefit existing developments in the area.

   Inasmuch as the tennis complex is allowed as an accessory use in the RM zone, approval of the request will not constitute a grant of special privilege inconsistent with limitations upon other properties identically zoned. In the particular case, the applicant has proposed to establish recreational facilities prior to any other type of permitted facility.

4. Approval of the proposed use will not unreasonably burden public agencies to provide services and facilities. The proposed use is essentially a recreational facility which is not expected to make an unreasonable demand on public services and facilities. The location of the proposed use is in an area which is already provided with all essential utilities and services.

Therefore, the Commission hereby grants to the applicant a variance to allow the construction of a championship tennis complex within a Multiple Family Residential - 2,000 square foot (RM-2) zone district pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions that:

1. The applicant, Kamehameha Development Corporation, shall assure that the State Register historic sites on the subject property shall not be encroached upon. Prior to final plan approval the applicant shall submit to the Planning Director and the State Historic Preservation Officer a program outlining the means which will be taken to prevent encroachment upon and preservation of the historic sites.

2. Construction of the tennis complex shall begin within 12 months from approval of the Use Permit.

3. Construction shall be limited to the tournament court and arena, the four regular tennis courts, the entrance road and parking area, and temporary structures, consisting of a first aid station, a television camera platform, a refreshment stand, and a comfort station. The temporary structures shall be erected only for the duration of the WCT tennis tournament and shall be disassembled within 2 months of the final match.

4. The entrance road shall be a 20-foot wide oil-treated surface, subject to the approval of the Planning Director and the Chief Engineer. The applicant shall also submit a parking plan for the Planning Director's approval.

5. All other applicable rules and regulations, including Plan Approval, shall be complied with.

Should these foregoing conditions not be met, the use permit shall be deemed null and void.

The effective date of this permit shall be from November 6, 1975.

Dated at Hilo, Hawaii, this 4th day of December 1975.

Arthur W. Martin, Chairman

APPROVED as to FORM and LEGALITY

CORPORATION COUNSEL
COUNTY OF HAWAII

Date 12/2/75