RESOLUTION NO. 717 20

A RESOLUTION RESCINDING AND CANCELLING RESOLUTION NO. 281-14 (DRAFT 2) AND AUTHORIZING THE EXEMPTION OF CERTAIN CODE REQUIREMENTS, PURSUANT TO SECTIONS 201H-38 AND 46-15.1 OF THE HAWAI‘I REVISED STATUTES, FOR KUAKINI SENIOR LIVING IN NORTH KONA, HAWAI‘I, COVERED BY TAX MAP KEY (3) 7-5-017:005.

WHEREAS, on June 1, 2006, Change of Zone Ordinance No. 06-78 took effect, changing the district classification from agricultural (A-5a) to multiple-family residential (RM-2.5) on the parcel covered by Tax Map Key (3) 7-5-017:005 consisting of 14 acres (the "PROPERTY"); and

WHEREAS, on March 7, 2014, the Hawai‘i County Council adopted Resolution No. 281-14 (Draft 2) authorizing the exemption of certain code requirements, pursuant to Sections 201H-38 and 46-15.1 of the Hawai‘i Revised Statutes ("HRS"), for West Hawai‘i Senior Living on the Property; and

WHEREAS, KUAKINI HIGHWAY 75-6099 CORP. ("OWNER"), the owner and current developer of the PROPERTY, is in the process of developing a senior housing and care campus on the PROPERTY in up to three phases consisting of: (a) an assisted living/memory care facility for about 101 residents ("AL/MCF"); (b) a skilled nursing facility for about 155 residents ("SNF"); and (c) employee housing accommodations for employees of the AL/MCF and SNF to the extent that sufficient water capacity is available to the PROPERTY ("EMPLOYEE HOUSING"); and

WHEREAS, AL/MCF, SNF, and EMPLOYEE HOUSING, collectively, will be referred to as the "PROJECT"; and

WHEREAS, HRS Section 201H-38, in conjunction with HRS Section 46-15.1, allows the County, with approval of the County Council, to exempt affordable housing projects from certain code and zoning requirements to facilitate the development of such projects; and

WHEREAS, no less than fifty percent (50%) of the total residential accommodations at the PROJECT will be affordable in accordance with HRS Section 201H-38, and the AL/MCF and SNF rental residential accommodations set forth in the second clause above may be adjusted by twenty percent (20%), plus or minus; provided, however, that the PROJECT and specific accommodation mix shall at all times be subject to applicable density and zoning restrictions; and

WHEREAS, the PROJECT is subject to the conditions of approval for Ordinance No. 06-78, and the OWNER has requested that the County exempt the PROJECT from certain conditions of Ordinance No. 06-78 as well as certain Hawai‘i County Code requirements to facilitate the development of the PROJECT; and

WHEREAS, the PROJECT will promote the goals contained in HRS Section 201H-38 and Chapter 11, Housing, of the Hawai'i County Code; and

WHEREAS, if, for any reason, this project is not constructed on the PROPERTY, all conditions of Ordinance No. 06-78 shall thereafter be in effect for the PROPERTY; now, therefore,

BE IT RESOLVED that Resolution 281-14 (Draft 2) is hereby rescinded and cancelled in its entirety, and superseded by this resolution.

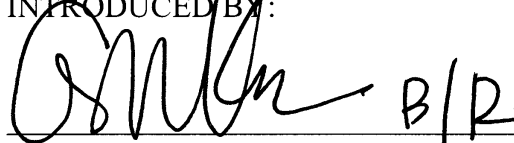
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAII that it hereby authorizes the exemption of certain code requirements as provided in the attached Exhibit "A," pursuant to HRS Sections 201H-38 and 46-15.1, for Kuakini Senior Living in North Kona, Hawai'i, covered by Tax Map Key (3) 7-5-017:005.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

BE IT FINALLY RESOLVED that a copy of this resolution be transmitted to the Planning Director and Housing Administrator of the County.

Dated at Kona, Hawai'i, this 16th day of September, 2020.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

COUNTY COUNCIL
County of Hawai'i
Hilo, Hawai'i

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on September 16, 2020.

ATTEST:

 
COUNTY CLERK CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	ABS	EX
CHUNG	X			
DAVID	X			
EOFF	X			
KANEALI'I-KLEINFELDER	X			
KIERKIEWICZ	X			
LEE LOY	X			
POINDEXTER	X			
RICHARDS	X			
VILLEGAS	X			
	9	0	0	0

Reference: C-1051/PC-54

RESOLUTION NO. 717 20

EXHIBIT "A"

HRS § 201H-38 REQUESTED EXEMPTIONS

1. Application fees: Chapter 5 of the Hawai'i County Code:

Exemption from the building permit fee required under Sections 5-31 and 5-35 of the Hawai'i County Code ("HCC").

2. Grading and Grubbing Permit Fees: Section 10-11, HCC:

Exemption from any grading, grubbing or stockpiling permit fees as well as any related inspection fees imposed under Section 10-11, HCC.

3. Use Permit: Section 25-2-61, HCC:

Exemption from the requirement for a use permit under Section 25-2-61, HCC. The Kuakini Senior Living project is considered a permitted use on the subject property.

4. Building Height: Sections 25-4-20 and 25-5-33, HCC:

Exemption from the maximum building height limit of 45 feet in the RM district to allow a maximum building height of 48 feet.

5. Required Number of Parking Spaces: Section 25-4-51, HCC:

Exemption from the standard required number of parking stalls for the skilled nursing component of the Project. Fifty (50) parking stalls rather than the standard 78 parking stalls shall be required in connection with the skilled nursing facility. No exemption for the parking stall requirement for the other components (assisted living/memory care facility and employee housing) of the Project.

6. Ordinance 06-78 Section 1:

Exemption from the Multiple-Family Residential (RM-2.5) zoning district to allow the Multiple-Family Residential (RM-2) zoning district because of the additional cost of land to meet the 2,500 square feet per unit required under the RM-2.5 zoning district.

7. Ordinance 06-78 Condition C:

Exemption from the construction time requirements of Condition C of Ordinance No. 06-78.

8. Ordinance 06-78 Condition H:

Condition H of Ordinance 06-78 is amended and replaced with the following:

If the project is built before the portion of the Kahului to Keauhou Parkway (Parkway) is built through the subject property, the project may access Kuakini Highway at a location meeting with the approval of the Department of Public Works. Any unrestricted approach to Kuakini Highway shall include dedicated left-turn and refuge-storage lanes on Kuakini Highway.

Should the applicant choose to locate an unrestricted access on Kuakini Highway at the future intersection of the Parkway, the access driveway shall be built on the Parkway alignment and to specifications that can be used as a portion of the Parkway when the Parkway is built, meeting with the approval of the Department of Public Works. A secondary access shall be provided to Kuakini Highway and restricted to right-out only unless otherwise approved by the Department of Public Works.

Upon completion of the Parkway, the project shall access the Parkway at location(s) and with movement restrictions meeting with the approval of the Department of Public Works and any existing approach on Kuakini Highway shall be restricted to right-out only unless otherwise approved by the Department of Public Works.

The applicant shall be required to provide a Traffic Circulation Plan meeting with the Department of Public Works, showing the future proposed access to the Parkway and Kuakini Highway, including how any required movement restrictions will be implemented, with any application for Plan Approval.

Access improvements shall be constructed at no cost to the County and may consist of, but not be limited to, pavement widening, drainage improvements and relocation of utilities meeting with the approval of the Department of Public Works.

9. Ordinance 06-78 Condition V:

Exemption from park site requirement of Condition V of Ordinance No. 06-78.

10. Ordinance 06-78 Condition W:

The first and third to the last sentences of Condition W of Ordinance 06-78 relating to sound abatement measures in connection with construction of the Parkway are amended and restated as follows. The remainder of Condition W shall remain in full force and effect.

The first sentence of Condition W of Ordinance 06-78 is replaced with the following: "The applicant, its successors, and assigns shall be responsible for the cost of any sound abatement measures to reduce sound within the project."

The third to the last sentence of Condition W of Ordinance 06-78 is replaced with the following: "This property was rezoned on the condition that the development's property owner(s), successors, and assigns shall be responsible for the cost of any sound abatement measures to reduce sound within the project."

11. Ordinance 06-78 Condition Y:

Exemption from Condition Y of Ordinance 06-78 regarding Fair Share Contribution.

12. Ordinance 06-78 Condition Z:

Exemption from Condition Z of Ordinance 06-78 regarding the requirement to pay impact fees should the County Council adopt a Unified Impact Fees Ordinance.

13. Kona Community Development Plan, September 2008 (KCDP), Policy LU-2.8:

Exemption from concurrency requirements of Policy LU-2.8 of the Kona Community Development Plan and Section 25-2-46, HCC.

