

CERTIFIED MAIL

March 5, 1984

Mr. Michael MacFarland
76-6245 Alii Drive, Room 203
Kailua-Kona, Hawaii 96740

Dear Mr. MacFarland:

Planned Unit Development Application (PUD 84-1)
Petitioner: Colony Associates
50-unit Single Family Residential Development
Tax Map Key 7-5-10: 18 and 20

After reviewing your application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of your planned unit development request to allow the development of a Single Family Residential project consisting of 50 units in two phases in Puaa 3rd, North Kona, Hawaii. The first phase will consist of 25 single family dwellings and two tennis courts. The second phase of 19.015 acres will consist of the remaining 25 single family dwellings and a swimming pool area.

The approval is based on the following:

The construction will begin within one year from the date of approval and is expected to be completed by 1985. The petitioner intends to finalize the proper approvals necessary for building permits, once the approval of the Planned Unit Development Permit and Subdivision for the first phase is secured. Conditions relative to this timetable are also to be included in the conditions of approval.

The proposed development conforms substantially to the County General Plan. The County General Plan Housing Element states the following goals:

PUD 21

1. "It shall be the policy of the County of Hawaii to assure that safe, sanitary, and livable housing is available to persons of all ages, income and ethnic groups and to provide a variety of choice as to location and types.
2. "Public and private programs intended to increase the supply of housing and to create a variety of choice shall be encouraged.
3. "The County shall promote and support the use of turnkey developments and encourage the use of cluster and planned unit developments."

The proposed 50 single family dwelling units are intended to provide for housing in the high income range, which is also part of the County's Housing inventory in terms of the provision of a variety of choice, location and types. Additionally, the petitioner has also agreed to pay the Hawaii County Housing Agency monies to be put into a housing assistance fund as well as for the benefit of low and moderate income residents of the State of Hawaii. Thus, we have determined that the purpose and provision of this type of housing units in this district will also be implementing the General Plan's Housing element goals.

This residential development will constitute an environment of sustained desirability and stability; will be in keeping with the character of the surrounding neighborhood; and will result in an intensity of land utilization no higher than, and standards of open space at least as high as permitted or as otherwise specified for the district in which this development occurs.

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The proposed single family residential development is being proposed on 39.459 acres with each dwelling on a separate lot and the recreational amenities in common areas. The size of the proposed lots (23,000 square feet to 49,000 square feet), minimal grading of the land, siting of each dwelling on each lot, and the location on the hillside will provide more than adequate open space for the development to have an environment of sustained desirability and stability. This development scheme will also have harmony with the character of the surrounding neighborhood in the same capacity as the Kailua View Estates development. The low density and low development profile, along with generous provision of open spaces, will also be compatible to the character of the area.

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The siting of the buildings on relatively large lots with expanses of open spaces between buildings create an open environment and atmosphere. There is no feeling of congestion in the siting of the structures. The terracing effect of the design also provides a blending of the development into the topography of the property. This design effort allows adequate view planes from each building in relation to the makai views of the coastline.

The development of a harmonious, integrated whole justifies exceptions, if required, to the normal requirements of this Chapter, and that contemplated arrangements or use make it desirable to apply regulations and requirements differing from those ordinarily applicable under district regulations.

The petitioner is providing a 60-foot right-of-way with 20 feet of pavement, 10-foot grassed shoulders, and a 10-foot grassed drainage swale along with drainage basins through the center of the development. Although the petitioner is not providing the minimum roadway standards as required, they are providing another design scheme which will address the same roadway issues, in terms of access, drainage, etc. A condition of approval will require that the proposed improvements will adequately provide for these concerns. Additionally, the reduction in density from a maximum allowable of 114 units to 50 units and the minimal grading of the property will also minimize the impacts that may arise from the development of the property with the proposed access improvements. As such, the approval of a variance from the minimum roadway standards is considered and determined to be justified. The adjusted low density and incremental development make it desirable to apply this requirement differently than those ordinarily applicable under district regulations.

The Planned Unit Development request is approved, subject to the following conditions:

- A. The petitioner, its assigns or its successors shall be responsible for complying with all the stated conditions of approval.
- B. All time conditions stated below shall be in accord with the time conditions set forth by Change of Zone Ordinance No. 897. In the event, there is any conflict of time commencement or expiration dates, the change of zone conditions will prevail unless the appropriate amendments are requested and secured.

P.U.D 21

May 25, 1989

Mr. Roland Higashi
HELP, Inc.
714 Kanoelehua Avenue
Eilo, HI 96720

Dear Mr. Higashi:

Amendment to Planned Unit Development Permit No. 21
Puaa 3rd, North Kona, Hawaii
(David Del Dotto and Robert Hibshman)
TMK: 7-5-10: 18 and 20

After reviewing your client's application for an amendment to Planned Unit Development (PUD) Permit No. 21, the Planning Director by this letter hereby approves the proposed amendment to increase the number of residential units in the subject development from fifty (50) to eighty-one (81). This density increase will primarily occur in Phase II of the project, formerly developed by Colony Associates, and involves approximately 19 acres of land upon which a maximum of forty-five (45) residential units will be allowed, in lieu of the previously approved twenty-five (25) residential units.

Favorable consideration on the proposed amendment is based on the following:

Satisfactory performance has already been achieved on Phase I of the project by the former developers, Colony Associates. PUD No. 21 was approved in two phases, with a maximum of twenty-five (25) residential units permitted in each phase. All improvements to Phase I have been completed including the construction of a 20-foot wide private roadway with 10-foot wide grassed swales, off-site pavement improvements to the Hienaloli-Kahului Road, landscaping, and accessory facilities (entry gate, storage area, and tennis courts). Eight residential dwellings have already been constructed on the subdivided lots which are between 23,000 and 33,000 square feet in size.

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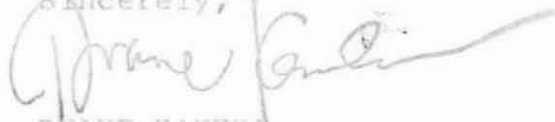
The proposed amendment to Planned Unit Development (PUD) No. 21 is approved subject to the following conditions:

1. The petitioner, its assigns or successors shall be responsible for complying with all the stated conditions of approval.
2. All applicable conditions of Change of Zone Ordinance No. 897 and PUD No. 21 shall remain in full force and effect. In the event there is any conflict in time commencement or expiration dates, the change of zone conditions will prevail unless the appropriate amendments are requested and secured.
3. All outstanding requirements for Phase I shall be completed or satisfactorily complied with prior to commencement of Phase II.
4. With the exception of density and roadway requirements, Phase II shall be developed in accordance with the concept plan as represented for the approval of PUD No. 21.
5. All roadway improvements within Phase II shall conform to the applicable roadway standards of the Subdivision Code.
6. No variances from the applicable Subdivision Code requirements for Phase II shall be sought.
7. All other applicable County and State rules, regulations and requirements, including those of the Department of Water Supply shall be complied with.

Should the petitioner, its assigns or its successors fail to comply with the above conditions, the Planned Unit Development Permit shall be deemed void.

If there are any questions on the above, please feel free to contact this office at 961-8288.

Sincerely,



DUANE KANUHA
Planning Director

DK:aeb

cc: Mr. David Del Dotto
Mr. Robert Hibshman
Ms. Sandra Schutte
Rezoning File No. 441
LUC No. 491

78-6618 Alia Dr
K-K 96790

May 31, 1989

Ms. Sandra Schutte
101 Aupuni Street, Suite 124
Hilo, HI 96720

Dear Ms. Schutte:

Amendment to Planned Unit Development Permit No. 21
Puaa 3rd, North Kona, Hawaii
(David Del Dotto and Robert Hibshman)
TMK: 7-5-10: 18 and 20

This is to clarify that the amendment to Planned Unit Development (PUD) Permit No. 21 issued on May 25, 1989, authorizes a maximum of twenty (20) additional units in Phase II only, for a total of forty-five (45) units within this phase of the overall development.

Therefore, the total number of residential units allowable under the entire PUD has been amended from fifty (50) to seventy (70) as agreed to by your client's letter of October 6, 1988. The figure of eighty-one (81) units for the entire project should be disregarded inasmuch as that figure was the initial amendment proposal which was since revised.

We apologize for any confusion that this statement may have caused your clients.

Sincerely,



DUANE KANUHA
Planning Director

DK:aeb

cc: Mr. Roland Higashi
Mr. David Del Dotto
Mr. Robert Hibshman
Rezoning File No. 441
LUC No. 491

JUN 1 1989