

PUD 45

February 10, 1992

Mr. William Mielcke  
Mauna Kea Properties, Inc.  
P. O. Box 218  
Kamuela, HI 96743

Dear Mr. Mielcke:

Planned Unit Development (PUD 91-2)  
Applicant: Mauna Kea Properties, Inc.  
South Kohala Resort Development  
Roadway Infrastructure  
TMK: 6-2-01:51 (por) & 6-2-2:12

Upon reviewing the application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of your Planned Unit Development Application. This would allow the development of a subdivision which includes various types of uses (resort, commercial, multi-family, residential, industrial, golf course, etc.) The subject properties consists of approximately 187 acres of land and identified by Tax Map Keys 6-2-01:51 (por) and 6-2-2:12. The properties are located on the mauka and makai side of Queen Kaahumanu Highway and in the vicinity of the Mauna Kea Beach Hotel, Ouli, South Kohala, Hawaii.

The approval is based on the following:

The construction of the project shall begin within a reasonable period of time from the date of approval of the PUD. There is pending before the Planning Department a subdivision application which has been granted tentative approval. Construction of the improvements will commence upon approval of the construction plans and should be completed by the end of 1992.

The proposed development substantially conforms with the General Plan since the proposed subdivision is to create lots which conforms to the zoning that was recently approved by the County Council.

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The proposed development will constitute an environment of sustained desirability and stability, shall be in harmony with the character of the surrounding neighborhood, and shall result in an intensity of land utilization no higher than, and standards of open space at least as high as permitted or otherwise specified for the district in which the development occurs. As noted above, the proposed development will be in conformance with the zoning designation. It is also in harmony with the character of the surrounding neighborhood as the existing roadways within the existing Mauna Kea Resort development are private roads that have 20 foot pavements with grassed shoulders and swales.

The development of a harmonious, integrated whole justifies exceptions of the normal requirements and that the contemplated arrangements and uses make it desirable to apply regulations and requirements differing from the ordinarily applicable under the district regulations. The proposed 40 foot roadway with a 20 foot pavement and stabilized landscaped shoulder and swales will service a proposed nine (9) lot single family subdivision with lot sizes in excess of the minimum 20,000 square foot (RS-20) requirement. All other roadways within the development will have 60 and 50 foot right-of-ways with pavement widths of 24 and 20 foot respectively with stabilized landscaped shoulders and swales. As such, the approval of a variance from the roadway requirements are considered and determined to be justified.

Based on the foregoing, the Planning Director has further concluded that the Planned Unit Development be approved subject to the following conditions:

- A. The applicant, its assigns or successors, shall be responsible for complying with all stated conditions of approval.
- B. The development conform substantially to the plans as submitted. A deed covenant limiting one single family dwelling per lot shall be incorporated as part of the deed restriction on the properties within the High Bluffs Subdivision (9 Single Family Residential lots).
- C. Final approval of the subdivision shall be secured within one year of the date of approval of the PUD.
- D. The roadway and related improvements within the development will remain in private ownership unless it is brought up to

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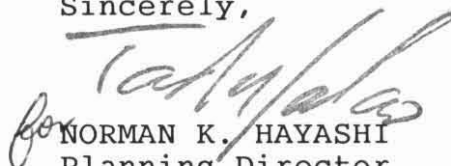
County dedicable standards. The applicant shall file a recordable agreement indicating the applicant's liability, indemnification of the County of liability, and other necessary provisions. This agreement shall be developed with the Department of Public Works and the Corporation Counsel's office prior to final subdivision approval. This agreement shall be included within deeds of all future lot owners/purchasers in this development. A recorded copy of this restriction shall be filed with the Planning Department and the Department of Public Works.

- E. All other applicable County and State rules, regulations, and requirements shall be complied with.
- F. Extensions and modifications to the permit shall be subject to the Planning Director's approval.

Should the applicant, its assigns or successors fail to comply with the above requirements, the Planning Director may nullify the Planned Unit Development Permit.

Should you have any questions on this matter, please feel free to contact Masa Onuma of this department.

Sincerely,

  
for NORMAN K. HAYASHI  
Planning Director

MO:smo  
4436D  
cc: DPW  
West Hawaii office