



# Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Lorraine R. Inouye  
Mayor

## CERTIFIED MAIL

August 23, 1991

Mr. Keola Childs, Executive Vice President  
Maryl Development, Inc.  
P.O. Box 1928  
Kailua-Kona, HI 96745-1928

Dear Mr. Childs:

Special Permit Application  
Applicant: Maryl Development, Inc.  
Construction of Temporary Real Estate Site Sales Office  
TMK: 7-6-12:Portion of 8

The Planning Commission at its duly held public hearing on August 15, 1991, voted to approve your application, Special Permit No. 782, to allow the construction of a temporary real estate site sales office on 10,000± square feet of land situated within the State Land Use Rural District. The project is located on the makai (west) side of Hualalai Road, approximately six miles northwest of the Hualalai Road-Mamalahoa Highway intersection, Holualoa 1st, North Kona, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the interest of the public health and welfare of the people of the State of Hawaii. The area under consideration is classified as Rural by the State Land Use Commission. The Rural District not only includes lands with a high capacity for agricultural uses, but also lands which are surrounded by or contiguous to agricultural and ancillary activities by reason of topography, soils, and other related characteristics. The property is not classified by the ALISH system and the Land Study Bureau's Overall Master Productivity Rating is poor. The subject area is part of an 88-lot residential subdivision in the RA-.5a zoned district. The sales office use is temporary and would be accessory to the rural community and would not be

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an inappropriate intrusion in the rural district. The applicant states that the primary use of the temporary real estate sales office is for the sale of the lots in this residential development.

The site of the proposed development has been graded and is being improved to provide for Increments 2 and 3 of the proposed subdivision. Therefore, the proposed use would not displace agricultural activity on the property or diminish the agricultural potential of the region.

The proposed use will not be contrary to the General Plan. The location of urban and rural uses should be evaluated from the standpoint of how each use services existing and future land uses of the surrounding area. The subject property is designated for Low Density uses on the LUPAG Map. A temporary real estate sales office to facilitate the sales of the subdivision lots is consistent with the Low Density designation. This recommendation is also consistent with the goal of the Land Use Element of the General Plan to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County."

The desired use will not adversely affect the surrounding properties. Surrounding uses are pasture and scattered residences. The temporary real estate office will provide necessary on-site services to potential purchasers and future residents of the development. Access will be from a roadway to Hualalai Road. Traffic will not directly impact neighboring residents. The temporary trailer structure will be provided with adequate parking and landscaping to buffer visual impacts.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. All necessary facilities are or can be made available to the property. Consulted agencies had no objections to the request. Since Hualalai Road is a County road, access to the property will be subject to the approval of the Department of Public Works.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The establishment of a relatively remote rural subdivision unrelated to an established community core has created needs not available

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from nearby urban zoned lands. The community can function more effectively if located on-site than on distant urban lands. Sales and information services are needed by prospective purchasers.

Based on the above considerations, it is determined that a temporary real estate sales office is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the State Land Use Law Rules and Regulations.

Approval of this request is subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures, landscaping, and parking stalls associated with the proposed temporary real estate sales office building. Parking shall comply with the requirements of Chapter 25 (Zoning Code).
3. Construction of the temporary real estate sales office and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed (certificate of occupancy) within one year thereafter.
4. The temporary real estate office use shall be terminated and the structure removed or the use converted to a permitted use within one year from the date of issuance of a certificate of occupancy for the temporary real estate office.
5. A metes and bounds description of the approximate 10,000 square foot area affected by the Special Permit in map and written form shall be submitted to the Planning Director with plans for Plan Approval.

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6. Real estate sales shall be restricted to lands within the "Iolani Subdivision" (Increments 1, 2, and 3). A sales report indicating the Tax Map Key of each property sold shall be submitted to the Planning Department after the sales of all the lots in the subdivision or one year following the issuance date of the certificate of occupancy.
7. Vehicular access to the development shall meet with the approval of the Department of Public Works. Required improvements shall be completed prior to issuance of a certificate of occupancy.
8. Comply with all other laws, rules, regulations and requirements.
9. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.
10. An 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; and 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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the 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.

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Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,

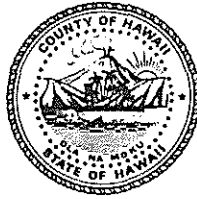


Mike Luce, Chairman  
Planning Commission

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jdk

xc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
State Land Use Commission  
Plan Approval Section

Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 Fax (808) 961-9615

#### CERTIFIED MAIL

September 23, 1993

Mr. Mark S. Richards, President  
Maryl Development, Inc.  
PO Box 1928  
Kailua-Kona, HI 96745

Dear Mr. Richards:

Special Permit No. 782 - Issued to Maryl Development Inc.  
Initiator: Planning Director  
Request: Nullification of Special Permit 782 which allowed the  
establishment of a Temporary Real Estate Sales Office  
Tax Map Key: 7-6-12:Portion of 8

The Planning Commission at its duly held public hearing on September 16, 1993 voted to nullify Special Permit No. 782 issued to Maryl Development, Inc. which allowed a temporary real estate site sales office. The property (portion of 'Iolani Subdivision) is located on the northeast corner of the Hualalai Road-Lako Street intersection, approximately 6 miles northwest of the Hualalai Road/Old Mamalahoa Highway intersection, Holualoa 1 & 2, North Kona, Hawaii.

This nullification is a result of the Planning Commission's concurrent approval of Special Permit No. 849 which allows a temporary on-site real estate sales office on Lot 7 of the 'Iolani Subdivision.

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Should you have any questions, please feel free to contact Rodney Nakano or Royden Yamasato of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman  
Planning Commission

RKN:jdk  
LMary104.PC

xc: Honorable Stephen K. Yamashiro, Mayor  
Planning Director  
State Land Use Commission  
West Hawaii Office