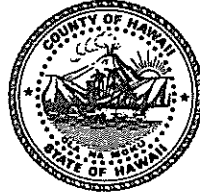


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

CERTIFIED MAIL  
7099 3220 0000 4869 7794

MAY 22 2000

Mr. Ken Melrose  
Maryl Development, Inc.  
P.O. Box 1928  
Kailua-Kona, HI 96745

Dear Mr. Melrose:

Special Permit No. 849 Issued to Maryl Development, Inc.  
Initiator: Planning Director  
Subject: Revocation of Special Permit No. 849  
Tax Map Key: 7-6-12:37 (formerly 7-6-12:2)

The Planning Commission at its duly held public hearing on May 5, 2000, voted to revoke Special Permit No. 849, issued to Maryl Development, Inc., which allowed for the establishment of a temporary on-site real estate sales office within a garage of a model home. The property is located in the 'Iolani Subdivision on the southeast corner of the Lako Street-South Pakalakala Place intersection, Holualoa 1<sup>st</sup> and 2<sup>nd</sup>, North Kona, Hawaii.

Special Permit No. 849 has expired. The applicant has submitted a new Special Permit Application to establish a temporary on-site real estate sales office within a temporary office trailer and subsequently relocate within a proposed model home situated within Increment III, Phase I, of the 'Iolani Subdivision. Therefore, Special Permit No. 849 is hereby revoked.

Should you have questions regarding the above, please contact Eleanor Mirikitani of the Planning Department West Hawaii Office at 327-3510 or Alice Kawaha of the Planning Department Hilo Office at 961-8288.

Sincerely,

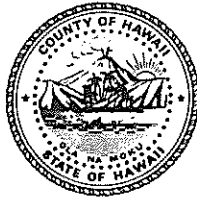
Richard B. Baker, Jr., Chairman  
Planning Commission

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lmarylrevspp849pc  
cc: West Hawaii Office

MAY 22 2000

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 Application (SPP 93-11)  
Applicant: Maryl Development, Inc.  
Request: Temporary Real Estate Sales Office  
within the garage of a Model Home  
Tax Map Key: 7-6-12:02, Lot 7

The Planning Commission at its duly held public hearing on September 16, 1993, voted to approve the above-referenced application. Special Permit No. 849 is hereby issued to establish a temporary on-site real estate sales office on 21,816 square feet of land (portion of 'Iolani Subdivision) situated in the State Land Use Rural District. The project site is located on the makai-Ka'u corner (southwest) of the intersection of Lako Street and S. Pakalakala Place, 'Iolani Subdivision, Holualoa 1 & 2, 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 designated 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 State of Hawaii's, Agricultural Lands of Importance to the State of Hawaii (ALISH)

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Mr. Mark S. Richards, President  
September 23, 1993  
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map. The Land Study Bureau's Overall Master Productivity Rating is "D" or "Poor" for the subject area.

The subject area is part of an 88-lot residential subdivision in the RA-.5a zone district. The temporary real estate sales office is for temporary use only and would not be an inappropriate intrusion in the Rural district. The petitioner states that the primary use of the temporary real estate office is for ONLY THE SALE OF LOTS/HOMES in this subdivision.

The proposed site has been graded and is ready for construction of the new model home. Therefore, the proposed use would not displace agricultural activity on the property or diminish the agricultural potential or inventory 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/homes 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 an internal roadway off of Lako Street which is fully improved. Any traffic for this use will not directly impact neighboring residents. The proposed temporary real estate office will be provided with on-site parking as well as on-street parking to adequate service this use.

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. Access to the property shall 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 from nearby urban zoned lands. The community can function more effectively if the proposed temporary real estate office is located on-site than on distant urban lands. The temporary real estate office is a necessary and functional accessory use to any new residential subdivision.

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. The applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of the permit.
3. Final Plan Approval for the temporary real estate sales office 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 for the temporary real estate office 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 use. The driveway, two car parking area and the street parking shall suffice as meeting the necessary parking requirements for this particular use.
4. Construction of the model home with the temporary real estate sales office and related improvements shall commence within one year from the effective date of receipt of Final Plan Approval and shall be completed within two years thereafter.
5. The temporary real estate sales office shall be for a period of three (3) years upon completion of the model home. The 3 year time period for the temporary real estate sales office shall be from the effective date of FINAL

Mr. Mark S. Richards, President  
September 23, 1993  
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INSPECTION approval of the model home by the Department of Public Works, Building Division.

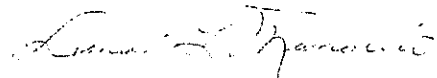
6. A metes and bounds description of the 21,816 square foot parcel affected by this Special Permit in written and map form shall be submitted to the Planning Director with plans for Final Plan Approval.
7. All real estate sales from this temporary real estate sales office shall be restricted to lots/homes within the Iolani Subdivision.
8. The permit shall expire 3 years from the date of Final Inspection Approval of the model home by the Department of Public Works, Building Division.
9. Comply with all other laws, rules, regulations and requirements of State and County agencies.
10. An annual monitoring 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.
11. 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.

Mr. Mark S. Richards, President  
September 23, 1993  
Page 5

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.

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  
LMary103.PC

xc: Honorable Stephen K. Yamashiro, Mayor  
Planning Director  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
State Land Use Commission  
Plan Approval Section