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 7640

MAR 1 4 2000

Mr. Sidney Fuke
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

Resolution for Time Share
Request: Resolution in Order to Establish Time Share on Subject Properties
Change of Zone Application (REZ 99-028)
Request: A-5a, RA-1a, RM-4.0, RM-7, RM-14.5 & CV-10 to Project District
Change of Zone Ordinance No. 96-153 (REZ 734)
Request: Amend Conditions D, G, O, Q & T and Delete Conditions S & W of Change of Zone Ordinance No. 96-153
Use Permit No. 90
Request: Amend Condition Nos. 3, 4, 14 & 16 and Delete Condition Nos. 2 & 5
Applicant: Bridge Puako, LLC
Tax Map Key: 6-8-1:25 and 36-40

The Planning Commission at its duly held public hearing on March 3, 2000, voted to withdraw the above-referenced requests for a Project District zoning, amendments to conditions of Rezoning Ordinance No. 96-153 and amendments to conditions of Use Permit No. 90 as you had requested on behalf of the applicant with your letter dated March 2, 2000. The Commission then voted to send a favorable recommendation to the County Council relative to the request for a resolution to establish a Time Share. The project site is located on the mauka side of Queen Ka'ahumanu Highway between the Mauna Lani Resort and Waikoloa Village, approximately one-half mile north of the Queen Ka'ahumanu Highway-Waikoloa Road intersection, Waikoloa, South Kohala, Hawaii.

The favorable recommendation for the Time Share request is based upon the following reasons as cited by the Planning Director:

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In order to consider an area for any type of zoning designation, the applicable goals, policies and standards of the General Plan must be adequately addressed. It is only through such a comprehensive policy analysis approach that evaluations and decisions can be made to better time and stage developments to achieve growth determined by the General Plan and related planning documents. The implications of these evaluations and decisions must be also considered as they may have an impact on similar areas in the County.

Approval of this request would not be contrary to the General Plan or the Zoning Code. According to the Zoning Code, time share unit is defined as "any multiple-family dwelling unit or hotel, which is owned, occupied or possessed, under an ownership and/or use agreement among various persons for less than a sixty-day period in any year for any occupant, and is regulated under the provisions of chapter 514E, Hawaii Revised Statutes, as amended." Time share units are permitted in the Resort and General Commercial zoned district. Further, time share units would be permitted in the Multiple Family Residential zoned district if they are situated in any of the following:

a) Areas designated as resort under the General Plan Land Use Pattern Allocation Guide (LUPAG) Map.

b) Areas determined by the Director to be within resort areas identified by the General Plan Land Use Element, except for retreat resort areas.

c) Areas determined for such use by the Council, by resolution.

The project area is zoned Multiple Family Residential (RM-4, RM-7 and RM-14.5) and Village Commercial (CV-10). The applicant proposes to offer a maximum of 750 time share units within the RM zoned areas. Therefore, the proposed time share use is consistent with the RM zoned district.

The request would also be consistent with the Land Use Element of the General Plan which states "Designate and allocate lands in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and to "...encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment."

The request to allow the time share units within the project urban area would not be contrary to the General Plan. The proposed Puako Residential Golf Community project conforms to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map, which designates the area as Urban Expansion. This designation allows for a mix of high density, medium density, and low density urban developments, industrial and/or open designations in areas where new settlements may be desirable, but where the specific settlement pattern and mix of uses have not yet been determined. Within areas

designated for development as resorts, portions of the resort area may be included in the Urban Expansion area. High Density allows uses relating to commercial, multiple residential and related services (general and office commercial; multiple residential - up to 87 units per acre). Medium Density allows uses relating to village and neighborhood commercial and residential and related functions (3-story commercial; residential - up to 35 units per acre). Low Density allows single family residential in character, ancillary community and public uses, and convenience type commercial uses.

The General Plan Land Use Element identifies the coastal areas proximate to the subject property, as Resort. The coastal areas are part of the South Kohala Coast Resort community consisting of Waikoloa, Mauna Lani, Hapuna and Mauna Kea Resorts. These resorts are located less than five miles from the project site and are zoned Resort (V-1.25), Village Commercial (CV-10), and Multiple Family Residential (RM-1.5, RM-3, RM-4, RM-6 and RM-8).

Impacts associated with this request such as historical, traffic, drainage and design concerns have been assessed through the Environmental Report, which was filed with the change of zone application, and will be mitigated through conditions of approval. Therefore, the request would not unreasonably burden the public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. The proposed request would complement the surrounding resort and residential developments established in this area of South Kohala.

Based on the above findings, approval of the request to allow time share units within the project area would result in an appropriate land use pattern that will further benefit the general public.

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

Sincerely,

Richard B. Baker, Jr., Chairman
Planning Commission

Liiluokalanitrust01PC

cc: Department of Public Works
Department of Water Supply
West Hawaii Office
Department of Land and Natural Resources
Kazu Hayashida, Director/DOT-Highways, Honolulu
Mr. John K. Baldwin

SidneyFuke, Planning Consultant

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March 2, 2000 '00 MAR 2 AM 11 35

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PLANNING DEPT.
COUNTY OF HAWAII

Ms. Virginia Goldstein, Director
Planning Department
COUNTY OF HAWAII
25 Aupuni Street
Hilo, HI 96720

Dear Ms. Goldstein:

Subject: **Bridge Puako, LLC. - Project District and Related Applications**
Waikoloa, South Kohala, HI, TMK: 6-8-01: 25, et al.

Since the last Planning Commission meeting on these applications, we have met with a number of individuals and community groups to review their concerns. For the most part, these meetings have been very constructive, and we appreciate your and the Commission's willingness to give the applicant this much needed time to have this dialogue with the community. It has and continues to be the applicant's desire to work these matters out in the spirit of *ho' o ponopono* and not in a litigious, confrontational manner.

As a result of these meetings, the applicant is in the process of working out letters of understanding with the Waikoloa Community Association and Mauna Lani Resort that address matters of mutual concern such as access, potable and irrigation water, school facilities, mauka-makai access, and others. In that regard, I am attaching a copy of a presentation sheet, dated February 18, 2000, that summarizes the applicant's preliminary position on these issues. It is the applicant's belief that this understanding and/or some modifications thereto can be consummated in the very near term.

At the same time, the applicant has been trying to address concerns of individual landowners from Puako and the Puako Community Association. To date, nothing has been resolved. Since some of the concerns relate to the scale of the already-entitled project itself and not the requested amendments to conditions, there is no telling when any resolution can occur. Please be assured, however, that the already in place agreement with the Puako Community Association will be honored by the applicant.

It was the applicant's hope to successfully address all concerns before the March 3 meeting. Unfortunately, this will not be possible, and time is very important to the applicant. As such, rather than risk further delays, the applicant has elected to proceed with the existing entitlements and hereby respectfully requests the withdrawal of its applications for a Project District zoning, amendments to conditions of Ordinance No. 96-153, and amendments to conditions of Use Permit No. 90.

At the same time, the applicant respectfully requests your and the Commission's continued review of the time share resolution. The applicant believes that the inclusion of time share within the Urban District area

- involves only a change in the form of ownership of a unit and not in the overall density of the project. The density is already governed by the existing RM and CV zonings;

- will provide the needed economic cushion so that the additional concessions demanded by the community - such as more school land, mauka-makai road connection, reduction in the total number golf courses - can be made possible; and

- will have a positive economic impact, while creating less of an infrastructural impact than full-time homeowners with children.

The concern of not having a "cap" or limit on the number of time shared units is understandable. As such, the applicant proposes to restrict time share use to only the State Land Use Urban district area and limit the number of units to 750.

The applicant would like to point out that the commitments contained in the attachment were predicated upon the approvals of the submitted applications. With their withdrawal, there may be some modifications to these commitments. Please be assured, however, that should time share use be allowed, the project's economic cushion will be wider, making it possible to honor the additional commitments on school, mauka-makai road, and limitation on the number of golf courses.

Finally, in spite of this withdrawal, the applicant intends to continue working with the affected communities and individuals to address existing and potential concerns.

We apologize for any inconvenience this action may have caused your office and the Commission and appreciate your time, patience, and understanding on this matter.

Sincerely,

SIDNEY M. FUKE
Planning Consultant

Enclosure
cc Bridge Capital, LLC.