

CERTIFIED MAIL

November 17, 1983

Mr. Hiromu Yamanaka  
HIYA Investors  
116 Kamehameha Avenue  
Hilo, HI 96720

Dear Mr. Yamanaka:

Variance Application (V83-27)  
Variance From Maximum Cul-de-sac Requirements  
Tax Map Key 2-2-46:17

After reviewing your application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of your variance request to allow the creation of a 29-lot subdivision with a cul-de-sac access in lieu of the maximum 18 lots that can be served by a cul-de-sac as required by Section 23-48(a) of the Subdivision Code, in the Waiakea Homestead House Lots, Waiakea, South Hilo, Hawaii.

The approval is based on the following:

Special and Unusual Circumstances

The subject property was rezoned from an Agricultural 1-acre to a Single Family Residential (RS-10) zoned district in 1981. The issue of access and the internal traffic circulation within the subdivision was reviewed and evaluated by the Department of Public Works and the Department of Transportation, Highways Division. As such, the access issue was clearly mandated in a condition of approval of the change of zone action. The condition indicated that only one access would be permitted to the subject property from the Hilo-bound lane of Kanoelehua Avenue.

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Additionally, only right turn movements would be allowed in and out of the proposed subdivision and no through connection to the Keaau-bound lanes will be permitted at the subdivision access. Access to all lots would be from the interior subdivision roads and no direct access shall be allowed from the lots onto Kanoelehua Avenue. The existing Waiakea Highland View Lots along the north boundary is a residential subdivision being served by Elm Drive which connects to Palai Street, but not to the subject property.

There is no planned traffic master plan for the Panaewa House and Farm Lots which the petitioner could attempt a street connection. This subdivision was created with areas of 10 acres or more and are designated for agricultural purposes. Based on these foregoing circumstances, access to the subject property is limited from only the Hilo-bound lane of Kanoelehua Avenue. Therefore, to reach the subject property, all lot owners of the proposed subdivision traveling in the Puna direction must turn around at the Makalika Street intersection and travel back on the Hilo-bound lane or utilize the street connection between Kilauea Avenue and Kanoelehua Avenue, located approximately 500 feet Puna of the Waiakea 4-mile bridge.

As such, there exists special and unusual circumstances in the form of the diminished access rights to the property, the approved change of zone with the conditions related to the permitted access requirements and the lack of a traffic master plan of the Panaewa House and Farm lots to the east of the subject property.

Based on the foregoing, we have concluded that these are special and unusual circumstances which exist either to a degree which deprives the owner of substantial property rights that would otherwise be available or to a degree which obviously interferes with the best use or manner of development of the property.

#### Alternatives

The petitioner does not have many design alternatives. The design of a through street with the adjacent subdivisions and other properties are not available or not feasible in light of the existing traffic circulation pattern in this area and the lack of a traffic master plan. The connection of Elm Drive to the subject property is not feasible nor reasonable, as Elm Drive is already an existing substandard roadway. In addition, the two properties at the end of Elm Drive which are adjacent to the subject properties are already developed with dwellings.

This acquisition and improvement alternative would be detrimental and inconveniencing to the affected landowners as well as the landowners on this street, as the added traffic will overburden its utility. The County has no plans of either upgrading Elm Drive to County standards or to make a street connection to the subject property. Additionally, because of this inaction, since the petitioner do not have any eminent domain powers, their acquisition options are further reduced.

Therefore, although other alternatives are available, we have determined that the most reasonable alternative is the one proposed by the petitioner.

#### Intent and Purposes

A cul-de-sac is defined in the Subdivision Code as "A street with only one end open to traffic." The intent and purpose of limiting a specific number of lots on a cul-de-sac roadway is that its design allows for only one ingress and egress point onto another street. Therefore, its design is allowed to handle minimum traffic loads especially in emergency situations and for distributing traffic loads onto other supporting street systems. For example, if a 100-lot subdivision were to be designed with a cul-de-sac, then with a ratio of 2 cars per lot, a total of 400 cars would have to utilize the cul-de-sac and have available only one ingress and egress point to the subdivision. The primary design concern and impact would be at the ingress and egress point of the cul-de-sac.

In this particular application, the proposed design solution will still provide a reasonable area for these vehicular functions, although it would exceed the maximum number of lots allowed by the Subdivision Code. The proposed street design will have the main roadway through the center of the subdivision with the four private roads off of this main roadway, each servicing a maximum number of 6 lots. The distributing effect of this design will also minimize the "roadway length" concern of a cul-de-sac. In addition, because of the divided highway fronting the property, right turn ingress and egress turning movements will be separated. Thus, the proposed design scheme would differ from other cul-de-sac designs which have an ingress and egress point onto a two-way street. In the latter type of traffic design, the vehicular impacts are greatly enhanced because of the multiple turning movements.

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Therefore, in view of these considerations, we have determined that for the proposed design, the traffic vehicular impacts are minimized to the point where it should have a minor rather than a major impact on the area, even if the cul-de-sac is designed to provide access for 11 additional lots.

Consequently, we have determined that the granting of the variance shall be consistent with the general purpose of the zoning district, the intent and purposes of the Zoning Code and the General Plan. The analysis of the above issues also has concurred that granting of the variance will not be materially detrimental to the public's welfare nor cause any substantial or adverse impact to the area's character or to adjoining properties.


The variance request is approved, subject to the following conditions:

- A. The petitioner, its successors or assigns, shall be responsible for complying with all stated conditions of approval.
- B. The tentative approval of the proposed subdivision be secured within one year from the effective date of approval of this Variance Permit.
- C. All other applicable State and County rules and regulations shall be complied with.

Should any of the above conditions not be complied with, the variance shall automatically be deemed void.

If you have any questions on this matter, please feel free to contact us.

Sincerely,

  
for SIDNEY M. FURE  
Planning Director

RHY:gs  
Enc: Background Report

cc: Planning Commission  
Clyde Matsunaga

bcc: Kaoru