

October 5, 1990

CERTIFIED MAIL

Mr. Alan Okamoto  
Nakamoto, Yoshicka & Okamoto  
Attorneys at Law  
187 Kapiolani Street  
Hilo, HI 96720

Dear Mr. Okamoto:

Planned Unit Development Application (PUD 90-2)  
Seiersen Investment Co.  
Tax Map Key 7-5-10:6

After reviewing your application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of your Planned Unit Development request to allow the development of 334 residential units as a Planned Unit Development (PUD) on 15.4 acres of land. As part of the PUD application, the petitioner is proposing to: 1) subdivide the property into 29 lots utilizing a 40 ft. wide, private non-dedicable dead-end roadway; 2) create lots below the minimum 7,500 square ft. zoning requirement; and, 3) request various deviations from the setback and parking turnaround requirements. The subject property is identified by TMK: 7-5-10:6 and is located along the makai side of Hualalai Road, approximately 250 feet mauka of the Hualalai Road, Nani Kailua Drive intersection, Puaa 1st, North Kona, Hawaii.

The approval is based on the following:

The construction of the project will be completed within a reasonable period of time. The applicant plans to start construction on the project within four to six months from the date of approval of the PUD. The project is planned to be built in three (3) phases and anticipated completion date is within 24 months. The developer plans to construct and sell the units in Phase I, and then proceed immediately into next phase until all three phases are completed.

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The proposed development substantially conforms to the General Plan. The County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property for Medium Density Urban Development. Such a designation may allow residential uses at a maximum density of 35 units per acre. The RM-2 zoning designation of the property permits a density of 21 units per acre which is within the limits of the General Plan and that which is allowed by the Zoning Code.

The multiple family residential 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.

The project will provide a mix of apartment buildings, ranging from 4-plex to 24-unit buildings, with 1 to 3-bedroom units. The proposed 334 residential units is within the maximum 335 units permitted on the property. The shape of the site, limited access via Hualalai road, and topography considerations make it desirable to master plan the entire site so that building location, parking and internal roads can be optimized within the overall density allowed by the RM-2 zoning. The project has a ground cover ratio of 20 percent, parking allocation of 32 percent, and open space ratio of 48 percent.

Further, the property is immediately adjacent to and surrounded on the south, east and west by lands similarly zoned for multiple residential type uses. The University of the Nations Christian University complex is situated on RM-4 zoned properties on the abutting parcel to the south. Immediately to the west is a public housing project, Kaamaina Hale, and the Pines multiple residential project is situated across Hualalai Road on the east.

In order to implement the overall integrated development concept, various exceptions from the requirements of the Zoning and Subdivision codes have been requested and determined to be justified. The intent of the proposed development is to provide a mixture of housing units for both ownership and affordable rental purposes. To achieve the affordable rental objective, subdivision of various components of the project is necessary, particularly for Phase I. The subdivision of the 4-plex units thus require deviations from the minimum lot size, density, roadway width, setback, and parking turn around requirements.

While subdivision of Phase I into small lot sizes than allowed under the proposed zoning is necessary to convey separate ownership of the proposed 4-plex buildings, all of the ownership interests in these buildings and subsequent apartment buildings will carry binding obligations to contribute to maintenance of common facilities (roads, parking, grounds). Further, while a higher density will result in this phase of the development, the open area and density requirements under the zoned district will still be attained for the overall project when Phases II and III are considered.

The project will also include amenities as a day care center, three swimming pools, park/open spaces and landscaping. The proposed roadway has also been situated to buffer the adjacent university complex on the south side boundary. Sidewalks will also be provided along the internal roadways.

The applicant has been required to develop affordable rental housing in exchange for the higher density zoning approval. A housing plan has been negotiated and approved in principal by the County Office of Housing and Community Development, thereby assuring that the proposed rentals will be made available as represented. These rentals will primarily occur in Phases II and III of the project.

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

- A. The petitioner, its assigns or successors shall be responsible for complying with all stated conditions of approval including those conditions contained in Ordinance No. 89 110.
- B. The development shall be limited to a total of 334 units and no more than twenty-nine (29) lots.
- C. Final plans for the entire development shall be submitted to the Planning Department for Plan Approval within one (1) year from the effective date of approval of the PUD. Plans shall not be inconsistent with the conceptual plans submitted with this PUD and shall show the final location, size and use of all structures, all yards and open spaces, parking, loading and circulation; and landscaping and planting details. Color and texture samples, accessory structures, exterior lighting, and other requirements of the Kailua Village Design Commission shall also be provided to that commission for their review and approval before Final Plan Approval is granted.

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- D. Construction plans for Phase I shall be submitted within one (1) year from the date of receipt of Final Plan Approval. Construction of the proposed improvements shall commence within one (1) year thereafter.
  - E. Subdivision plans for the proposed development shall be submitted prior to the receipt of Final Plan Approval.
  - F. All applicable requirements of the State Department of Health and the County Department of Public Works shall be complied with.
  - G. All roadways within the development shall remain in private ownership. The applicant shall file a recordable agreement, indicating the applicant's liability, maintenance and other necessary provisions. This agreement shall be developed with the Department of Public Works and Corporation Counsel's office prior to receipt of final subdivision approval for any phase of the development. This agreement shall also be included within the deeds of all future lot owners.
  - H. A minimum five-foot wide sidewalk shall be constructed along the north edge of the access road serving the project.
  - I. All provisions of the Affordable Housing Plan agreed to by and between the applicant and the office of Housing and Community Development shall be adhered to unless further modified or amended.
  - J. All other applicable State and County laws, rules, regulations and requirements shall be complied with.
- If you have any questions on this matter, please feel free to contact us.

Sincerely,



DUANE KANUHA  
Planning Director

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cc: Kona Planning Office  
Chief Engineer