

Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

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CERTIFIED MAIL
Z 416 229 173

July 13, 1995

Mr. Lee William Sichter
Belt Collins Hawaii
680 Ala Moana Boulevard, First Floor
Honolulu, Hawaii 96813-5406

Dear Mr. Sichter:

PLANNED UNIT DEVELOPMENT APPLICATION WH(PUD95-02)
APPLICANT: KAUPULEHU LAND COMPANY
RESORT/RESIDENTIAL DEVELOPMENT
Tax Map Key: 7-2-003: PORTION OF 004

After reviewing the information submitted with the Planned Unit Development, the Planning Director certifies the approval of the Planned Unit Development (PUD) application to allow the construction of a Resort/Residential development on a 18.109 acre parcel situated within the Resort (V-2.25) with 2 variances from the Subdivision Code and 3 variances from the Zoning Code.

More specifically, to allow an oval-shaped cul-de-sac in lieu of the minimum 45 foot radius as required by Chapter 23, Section 23-41(a) and Section 23-48(b); to allow an access road with a pavement width of 18 feet in lieu of the minimum 20 foot pavement as required by Chapter 23, Section 23-41(a); to allow the straddling of the golf course clubhouse across the property lines between lots 13 and 14 and a 6 foot front yard for the cart storage tent in lieu of the minimum required 8 feet side yard and 20 feet front yard as required by Chapter 25, Article 10, Section 25-172(a)(3); and to allow 25 off-street parking stalls for the golf clubhouse in lieu of the minimum 77 off-street parking stalls as required by Chapter 25, Article 1, Division 11, Section 25-73(a)(2)(23); and to allow the parking area to be a lava-cinder surface in lieu of the minimum paved all weather dust free surface as required by Chapter 25, Article 1, Division 11, Section 25-71(c)(3).

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The subject property is situated on the west (makai) side of the Queen Kaahumanu Highway at the Four Seasons Hotel project in Bulk Lot 9 which abuts the Four Seasons Hotel site in Kaupulehu, North Kona, Hawaii, TMK: 7-2-003: portion of 004.

FINDINGS:

1. In accordance with Section 25-247 of the Zoning Code, the proposed single family residential, multiple family residential and commercial uses are permitted by the existing Resort zoning of the property.
2. In accordance with requirements of Section 25-251 (Finding by planning department to approve P.U.D.)
The construction on the project shall begin within a reasonable period of time from the date of full approval and shall be completed within a reasonable period of time.

The applicant has already begun construction of the Four Seasons Resort complex. The golf course which is also under construction will be open for play in December of 1995. The Permanent golf clubhouse facility is expected to be completed within a year after the golf course is opened. The construction of the two model homes and condominium units will begin in late 1995 after securing subdivision approvals from the Planning Department. The temporary structures will be removed within a specified period of time which is being included as a condition of approval. The proposed development timetable for the Planned Unit Development will be done as soon as all other necessary governmental approvals have been secured.

3. **The proposed development substantially conforms to the General Plan.**

The following General Plan elements goals, policies and standards of action are in conformance with the proposed Planned Unit Development.

• **HOUSING ELEMENT:**

GOALS: Attain safe, sanitary and livable housing for the residents of the County of Hawaii. Attain a diversity of socio-economic housing mix throughout the different parts of the County. Maintain a housing supply which allows a variety of choice. Develop better places to live in Hawaii County by creating viable communities with decent housing and suitable living environments for our people. Improve and maintain the quality and affordability of the existing

housing stock. Seek sufficient production of new affordable rental and fee-simple housing in the County in a variety of sizes to satisfactorily accommodate the needs and desires of families and individuals. Ensure that housing is available to all persons regardless of age, sex, marital status, ethnic background, and income. The cornerstone of the County's Housing programs and activities shall continue to be the encouragement and expansion of appropriate home ownership opportunities for our residents.

- **POLICIES**

The County shall encourage a volume of construction and rehabilitation of housing sufficient to meet growth needs and correct existing deficiencies. The County shall initiate and participate in activities with the private sector including the provision of leadership and expertise to neighborhoods and nonprofit organizations in the development of housing and community development projects.

- **LAND USE ELEMENT**

GOALS: Designate and allocate land use in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.

POLICIES: Promote and encourage the rehabilitation and use of urban and rural areas which are serviced by basic community facilities and utilities. The County shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

- **LAND USE ELEMENT (SINGLE FAMILY RESIDENTIAL)**

GOALS: To maximize choices of single family residential lots and/or housing for residents of the County. To provide single family residential areas conveniently located to public and private services, shopping, other community activities and convenient access to employment centers. The County shall encourage more innovative uses of land with respect to geologic and topographic conditions through the use of residential cluster and planned unit developments. The clustering of residential units in sloping areas is a means of minimizing grading and drainage problems, preserving the natural appearance of the topography, preventing strip development, and making optimum uses of the terrain for buildings and open space. The County shall incorporate flexibility in codes and ordinances to achieve a diversity of socio-economic housing mix and to permit aesthetic balance between single family residential structures and open spaces.

- **LAND USE ELEMENT (COMMERCIAL)**

GOALS: Provide for commercial developments that maximize convenience to users. Provide commercial developments that complement the overall pattern of transportation and land usage within the island's regions, communities, and neighborhoods.

POLICIES: Commercial facilities shall be developed in areas adequately served by necessary services, such as water, utilities, sewers, and transportation systems. Should such services not be available, the development of more intensive uses should be in concert with a localized program of public and private capital improvements to meet the expected increased needs. Distribution of commercial areas shall be such as to best meet the demands of neighborhood, community and regional needs. The development of commercial facilities should be designed to fit into the locale with minimal intrusion while providing the desired services. Appropriate infrastructure and design concerns shall be incorporated into the review of such developments. Applicable ordinances shall be reviewed and amended as necessary to include considerations for urban design, aesthetic quality and the protection of amenities in adjacent areas through landscaping, open space and buffer areas. Commercial development shall be located in areas adequately served by transportation, utilities, and other amenities. Commercial developments shall provide for adequate internal circulation amongst commercial facilities in the area. Commercial development shall maintain or improve the quality of the present environment through the consideration of visual, access, landscaping, and other design elements in their development.

- **LAND USE ELEMENT (MULTIPLE FAMILY RESIDENTIAL)**

GOALS: To provide for multiple residential developments that maximize convenience for its occupants. To provide for suitable living environments which accommodate the physical, social and economic needs of the island residents.

POLICIES: The County shall incorporate reasonable flexibility in applicable codes and ordinances to achieve a diversity of socio-economic housing mix. The County shall encourage flexibility in the design of residential sites, buildings and related facilities to achieve a diversity of socio-economic housing mix and innovative means of meeting the market requirements.

• **RECREATION ELEMENT:**

GOALS: Provide a variety of recreational opportunities for the residents and visitors of the County. Maintain the natural beauty of recreation areas. Provide a diversity of environments for active and passive pursuits.

POLICIES: The use of land adjoining recreation areas shall be compatible with community values, physical resources and recreational potential.

The proposed Planned Unit Development will implement the above goals and policies of the applicable element of the General Plan, in particular with the above cited elements.

4. All commercial and residential development shall 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 or as otherwise specified for the district in which this development occurs.

The applicant's design concept for the proposed Planned Unit Development is to provide a Resort/Residential community. The maximum allowable density under the present zoning is 340 units. However, to sustain the overall character of the resort, development on the subject property is being limited to a total 68 units. The access to the subdivision will be from Queen Kaahumanu Highway. Landscaping will play a central role in the master plan to provide an inviting resort/residential atmosphere with open spaces and the low rise rural character. The major components are the 20 Golf Villa units, 35 Hillside Villa units, 2 model homes, 3 temporary commercial structures, 11 single family lots, a pedestrian access lot; 2 acre roadway lot with landscaping.

5. The development of a harmonious, integrated whole justifies exceptions, if required, to the normal requirements of the Zoning and Subdivision Codes, and that the contemplated arrangements or use make it desirable to apply regulations and requirements differing from those ordinarily applicable under the district regulations.

The proposed PUD fosters the Resort/Residential "rural" character of the community with the proposed development. The golf related uses and real estate sales use being established under this PUD are temporary in nature. Conditions of approval relative to time limits for these uses are being included to ensure its temporary nature. One of the reasons for the PUD is to allow the resort's golf course opening at the end of 1995. The temporary real estate office, Golf Clubhouse facility and golf cart barn will provide this service to the public while the Four Seasons resort complex is being completed. The area in which these temporary uses will be placed will also be in a location as to not mix with or interact with the construction activities taking place at the project site. A condition of approval is also being included to require that lot 12 be graded and utilized for overflow parking for the golf course use.

Therefore, the temporary nature of these facilities with the ongoing construction of permanent facilities of the proposed Planned Unit Development is a development of a harmonious, integrated whole which justifies exceptions to the normal requirements of this chapter, as the contemplated arrangements and commercial and residential uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under the district regulations.

6. In accordance with Section 25-252 (Actions permitted on application), the planning department may conditionally approve an application for a P.U.D.. In accordance with Section 25-253 (Imposition of conditions upon approval) Any conditions imposed by the planning department upon approval of an application for P.U.D. may include but are not limited to the time within which the project shall begin and be completed, changed boundaries of the project, uses permitted, specification of minimum development standards, specified street dedication and improvement, utilities to be furnished, and a list or limit of variances permitted. In accordance with Section 25-555 (Effect of P.U.D. application approval) Any P.U.D., as approved, shall be subject to all conditions imposed and shall be excepted from other provisions of this chapter only to the extent specified in said approval.

Based on the above, the following list of variances are approved for this Planned Unit Development:

ZONING CODE:

1. Variances as listed in Applicant's PUD Attachment.

SUBDIVISION CODE:

1. Variance as listed in Applicant's PUD Attachment.

Based on the above findings, the Planning Director has approved the Planned Unit Development Application subject to the following conditions:

- A. The applicant, its successors or assigns be responsible for complying with all of the stated conditions of approval.
- B. 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 this permit.
- C. The applicant shall secure final subdivision approval within 5 years from the effective date of the PUD, except as otherwise conditioned.
- D. Plans for the proposed temporary commercial uses shall be submitted for Final Plan Approval review and secured within one year from the effective date of the PUD. The temporary uses shall be removed from the subject properties within 2 years from the effective date of Final Plan Approval.
- E. The off-street parking area shall be striped and/or marked as per plan and an overflow parking area shall be provided for on Lot 12. In addition, a dust control program shall include daily watering of the parking area as warranted by climatic conditions. Should any complaints be received by the Planning Director concerning dust control of the off-street parking areas, mitigative measures shall be immediately provided for by the applicant. A report shall be submitted to the Planning Director within two weeks of any complaints notifying that mitigative measures have been taken, including the dates, times and mitigative measures taken.
- F. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, paving, or walks be encountered, work in the immediate area shall cease and

- the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
- G. Access to the property from Queen Kaahumanu Highway Extension shall include improvements as required by the Department of Transportation, Highways Division and as otherwise conditioned. The interior roadway shall be constructed in compliance with the roadway variances as approved in the Planned Unit Development application. Any deviations from roadway standards for which the Department of Public Works has sole jurisdiction shall be applied for and secured through the proper appeal process whether it be an administrative or an appeal from the Board of Appeals.
- H. The applicant shall construct all on site sewer, drainage, roadway and water system improvements required by the Department of Water Supply, Fire Department, Department of Public Works and State Department of Health. In addition, all utilities for the proposed development shall be placed underground.
- I. Comply with all applicable laws, rules, regulations and requirements.
- J. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the Planned Unit Development (PUD) 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 with and the Planning Director acknowledges that further reports are not required.
- K. An initial extension of time for the performance of conditions within the ordinance 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 applicants, 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 Planned Unit Development Permit; 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 two years may be extended for an additional 2 years); and e) if the applicant should

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require an additional extension of time, the applicant may submit a request for further time extension pursuant to Section 25-256 (Extensions and Amendments).

Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate the nullification of the Planned Unit Development Permit.

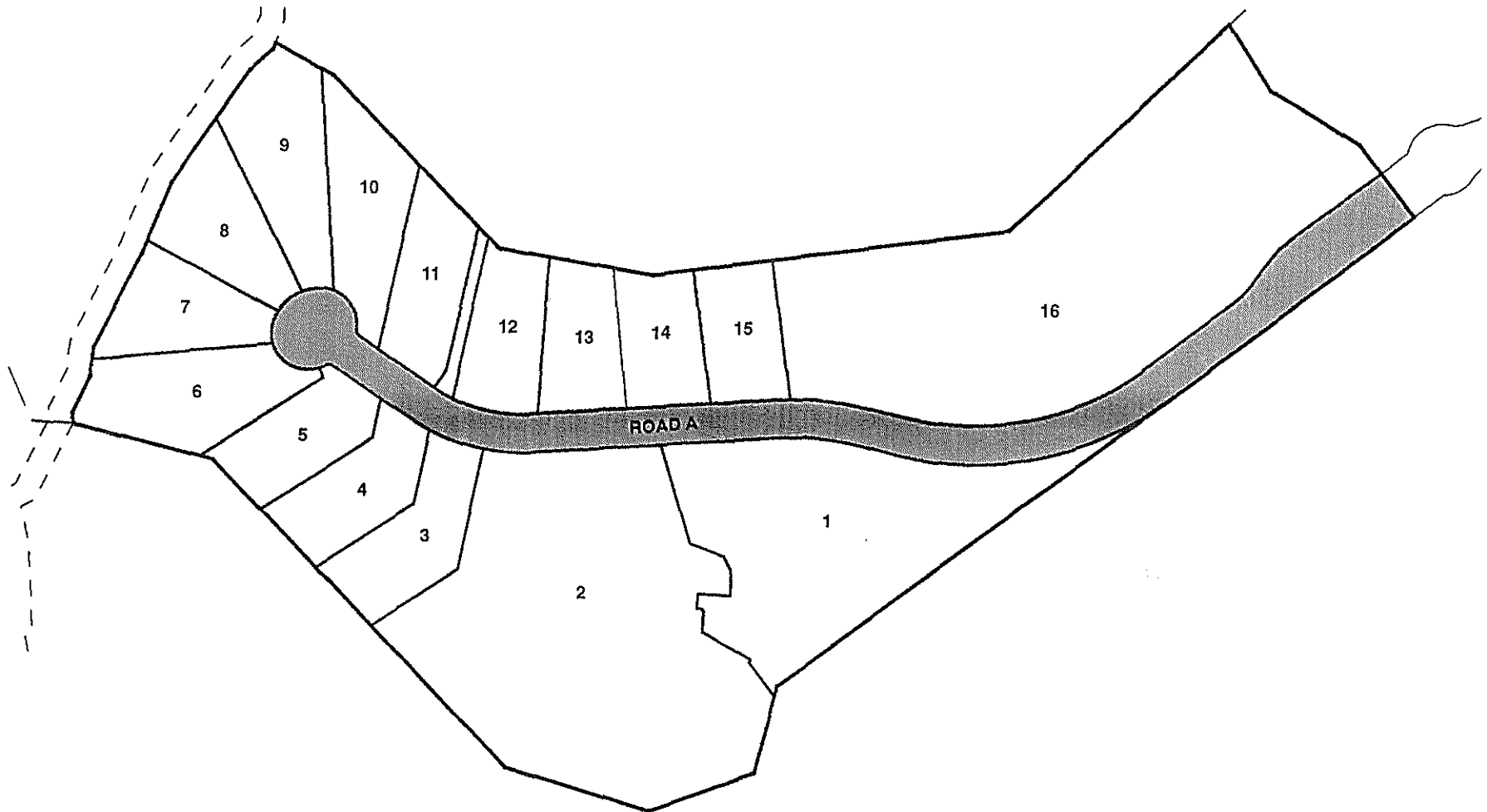
Sincerely,



VIRGINIA GOLDSTEIN
Planning Director

RHY:mjs

xc: West Hawaii Office
Hugo Von Platen Luder
DPW, Building Division, Kona Office
DPW, Engineering, Kona Office
Subdivision Section



NORTH



Figure 4
BULK LOT 9 PLAN

Kaupulehu Resort PUD Application
Prepared For: Kaupulehu Land Company
Prepared By: Belt Collins Hawaii, April 1995

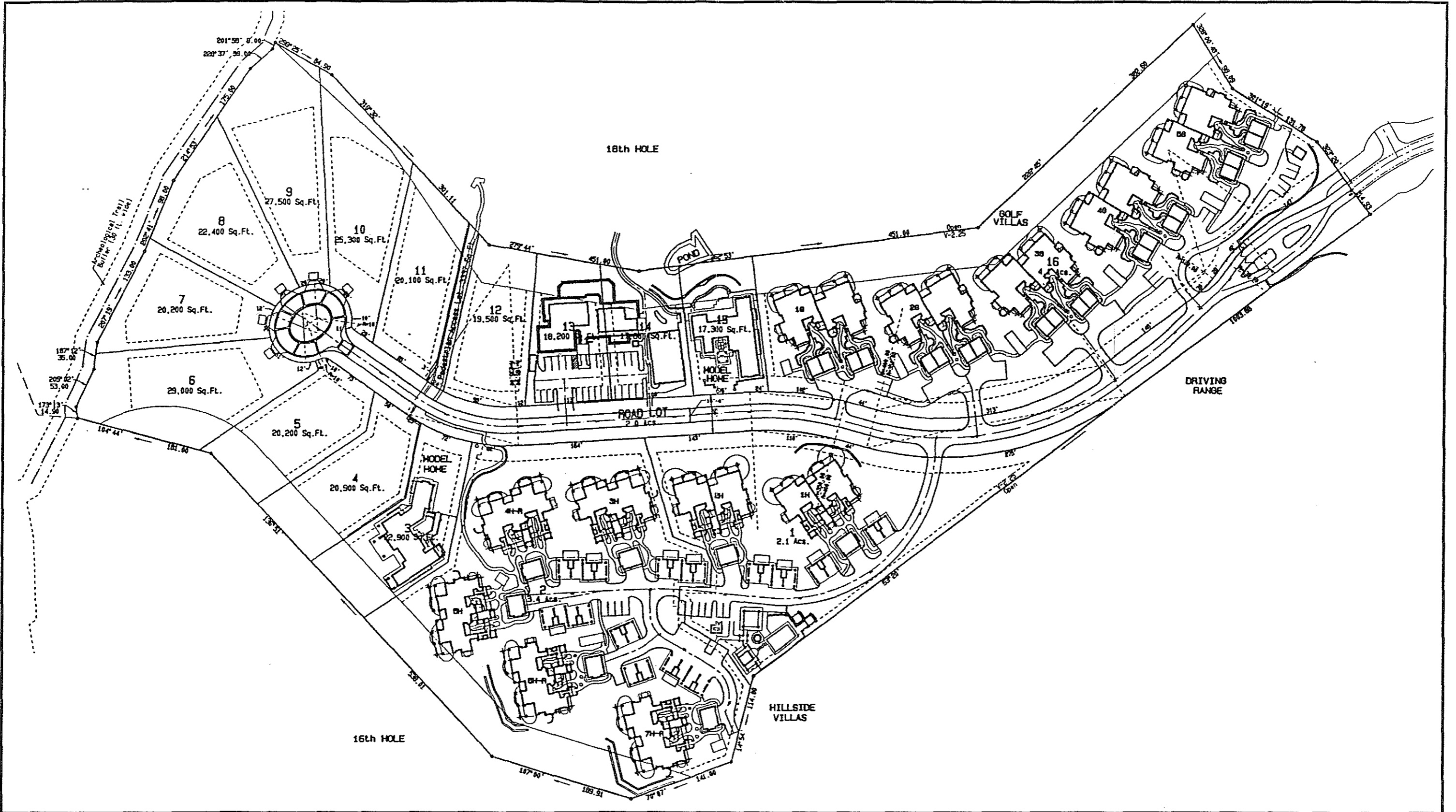


Figure 5
PRELIMINARY SUBDIVISION PLAN

Kaupulehu Resort PUD Application
Prepared For: Kaupulehu Land Company
Prepared By: Belt Collins Hawaii, April 1995



NORTH

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SCALE IN FEET