

Stephen K. Yamashiro
Mayor



Virginia Goldstein
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County of Hawaii

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PLANNING DEPARTMENT
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September 15, 1999

Mr. Michael Riehm
Riehm Owensby Planners Architects
P.O. Box 390747
Kailua-Kona, Hawaii 96739

Dear Mr. Riehm:

PLANNED UNIT DEVELOPMENT APPLICATION WH(PUD97-01)
Planned Unit Development No. 61
Applicant: McClean Honokohau Properties, L.P.
Agent: Riehm Owensby Planners Architects
REQUEST: An Active Retirement Community - 70 Unit Single Family Residential
Subdivision and 1 Clubhouse Lot
Tax Map Key: 7-4-008: Portion of 26

After reviewing your application and the submittal, the Planning Director certifies the approval of the Planned Unit Development (PUD) application to allow the development of an Active Retirement Community - 70 unit Single Family Residential Subdivision and 1 Clubhouse Lot on a 12.294 acre parcel situated within the Single Family Residential (RS-7.5) zone district with variances from Flag Lots, Minimum Street Frontage, Minimum Building Site Area Minimum Average Width, Reduction of Building Site Below Minimum Area, General Requirements for Yards and Open Spaces, Corner Building Sites, Fences and Accessory Structures, Permitted Projections Into Yards and Open Spaces, Off-Street Parking and Loading, Required Number of Parking Spaces, Off-Street Loading Requirements, Minimum Building Site Area, Minimum Building Site Average Width, Minimum Yards, Other Regulations of Chapter 25 (Zoning Code); and Pedestrian Ways, Lot Side Lines, Minimum Right-of-Way and Pavement Widths, Intersection Angles, Corner Radius, Cul-de-Sacs, Private Streets; Sidewalks, Pedestrian Way, Curbs and Gutters, Street Lights, Street Name and Traffic Signs of the Subdivision Code (Chapter 23) and Article 6, Division 1 (PUD, Planned Unit Development).

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The property is located on the mauka side of Queen Ka'ahumanu Highway approximately 1,800 feet north of the Kealakehe High School at Honokohau 2nd, North Kona, Hawaii, TMK: 7-4-008: Portion of 26.

FINDINGS:

1. In accordance with Article 5, Division 1, Section 25-5-3 of the Zoning Code, the proposed single family residential uses are permitted by the existing single family residential zoning of the property. In accordance with requirements of Article 6, Division 1, Section 25-6-6 (Actions by director on P.U.D. permit applications).
2. **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 proposed development timetable for the Planned Unit development will be done in nine phases. The overall project approximately 7 years for the development and completion of construction activities.

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.

4. **Any residential development shall constitute an environment of sustained desirability and stability for the district that is in harmony with the character of the surrounding area, that results in an intensity of land use no higher than that otherwise specified for the district, and that maintains the standards of open space at least as high as that otherwise specified for the district in which the development occurs.**

The applicant's design concept for the proposed Planned Unit Development is to provide a neighborhood environment that fosters a "Sense of Community" by offering opportunities for the residents to meet, recreate, socialize, walk and experience their neighborhood environment in ways that are not available to the residents of the standard subdivision community. It offers a safe pedestrian environment for the

residents who enjoy walking and riding bicycles. It promotes social communication through the use of lanais facing the main street and its park system.

The maximum allowable density of 71 lots, 7,500 square feet in size could be developed under the present residential zoning and planned unit designation.

The access to the subdivision will be from the Mid Level Arterial via the north stub off the Kealakehe Parkway. The intersection at this area will be designed to facilitate both entry and exit to and from this arterial. The internal roadway is designed as a loop circulation system. Connected to the loop system are a series of drivecourts which provide access to the lots clustered off the drivecourts. The project's internal roadway system will have an approximate 30 feet right-of-way with 20 feet pavement surface width. Curb radii at the main intersections of the internal roadway will be designed to accommodate emergency vehicles and these will be coordinated with the Fire Department. No sidewalks will be provided at the road right of way since the main street is being designed to accommodate both vehicular and pedestrian movement due to its intimate scale. With the average grade of the site in the 7% range, street grades should be moderate.

Both on street and off street parking will be provided for the community. There will be approximately 37 on street parking spaces provided. Each home will have a two car garage with driveway which provides 4 car parking capacity per lot. Total site parking including the individual homes is 317 cars.

The development's average lot size range from approximately 4,000 square feet to 10,500 square feet with the average lot size being approximately 5,166 square feet.

Lots within the PUD will have the following:

- a. Lots 1,2,3, 32, 33 and 35 - 10 feet front yard, 15 feet rear yard and 5 feet side yard.
- b. Lots 4 to 23 and Lots 36 to 55 - 10 feet front and rear yards and 5 feet side yards. Lots that front the Mid Level Arterial, the rear yards will be 15 feet.
- c. Lots 56 to 59 - 10 feet front yard, 15 feet rear yard and 5 feet side yard setbacks.
- d. Lots 60 to 63 - 5 feet front yard, 10 feet rear yard and 5 feet side yard.
- e. Lots 64 to 67 - 5 feet front yard, 10 feet rear yard and 5 feet side yard.
- f. Lots 68 to 70 - 10 feet front yard, 5 feet rear yard and five feet side yard.
- g. Lot 71 - 10 feet front yard, 15 feet rear yard and 5 feet side yard.

A primary design goal of the PUD is to provide a safe, visually stimulating and efficient pedestrian network system throughout the community. Recognizing that the streets in a neighborhood are often used for a variety of purposes besides just vehicular circulation, the street design is developed to accommodate pedestrians, joggers, bicycle riders, and vehicles. The narrow right of way width, the use of street trees and the location of drivecourts will provide a setting where the pedestrian feels they have a right of way versus the automobile. Traffic volumes should be marginal since no through roads occur at the project. For this reason and also with the reduced right of way widths, sidewalks are omitted with the expectation that the street will read more as a pedestrian environment versus designed strictly for the automobile.

Sensitive landscaping and the development of a variety of open spaces is critical to the development of neighborhood character in a residential community. Landscaping will play a central role in the master plan to provide an inviting residential atmosphere with open spaces that are shaded to encourage outdoor activities and social interaction. The major components are the project entry area, main street theme, drivecourts, pedestrian easements, and the main club house grounds. The neighborhood drivecourts mitigate traffic speed by their placement and landscaping.

The housing design will be instrumental in adding to the feel of a traditional neighborhood through its use of materials, color and regional architectural style. Some of the homes will have a dominate front lanai that fronts the main street or drivecourt. This lanai encourages residents to get to know their neighbors and monitor the security of the neighborhood. There is a rear lanai for a few of the homes for outdoor dining and social purposes. At the street facade, two car garages will be set back from the front of the lanai minimizing their impact. Energy efficient measures are integrated into the design of each home. The house designs take advantage of the local breezes and provide cooling cross ventilation. Low profile solar hot water systems will be offered, as an option, and placed on the roof in an unobtrusive fashion away from the street elevation where possible. Natural light into the homes may be provided through the use of energy efficient skylights.

To increase the marketability of the project and to provide the type of social and recreational amenities that active retirees expect, a substantial club house facility is being provided. The club house is located on the mauka boundary fronting a circular drivecourt with adjacent parking. The club house facility consists of the following: great room, pool/lounge, exercise facility, public restrooms, storage, great lanai and exterior landscaped spaces.

The project's CC & R's will be structured to maintain the quality of the original design intent and insure the investment of the homeowners will be protected.

5. **The development of a harmonious, integrated whole justifies exceptions, if required, to the normal requirements of the Zoning and Subdivision Codes, and 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 a "Sense of Community" by offering opportunities for the residents to meet, recreate, socialize, walk and experience their neighborhood environment in ways that are not available to the residents of the standard subdivision community. Landscaped open spaces are provided for a variety of activities to occur. It offers a safe pedestrian environment for the residents who enjoy walking and riding bicycles. It promotes social communication through the use of lanais facing the main street and its park system. In short it offers the residents a safer, more enjoyable, and socially rewarding community to live in. 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 single family residential use make it desirable to apply regulations and requirements differing from those ordinarily applicable under the district regulations.

6. **In accordance with Section 25-6-6 (Actions by director on P.U.D. permit applications), the Planning Director may approve an application for a P.U. D. subject to certain conditions. Any conditions imposed by the Planning Director upon approval of an application for P.U.D. shall bear a reasonable relationship to the P.U.D. permit issued, and to the approved uses, plans, and variances of district standards; provided, however, that no improvements or alterations off-site of the project shall be required as a condition of a P.U.D. permit. The conditions may include, but not be limited to the following: (1) Commencement and completion time frame for the project; (2) Boundary changes approved in the project; (3) Uses that are prohibited or limited; (4) Specifications for the minimum development standards; (5) Specifications for street improvement and dedication; (6) Utilities to be furnished; and (7) The extent and limitations upon the variances permitted. In accordance with Section 25-6-13 (Effect of P.U.D. permit on other zoning provisions), any P.U.D. permit issued shall be subject to all of the conditions imposed in the permit and shall be exempted from other provisions of this chapter only to the extent specified in the permit.**

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

ZONING CODE:

1. Variances and exhibits 1 to 15 listed in the Table of Contents, dated 4-15-97.
(ATTACHED AS EXHIBIT 1)

SUBDIVISION CODE:

1. Variances and exhibits 16 to 35 listed in the Table of Contents, dated 4-15-97.
(ATTACHED AS EXHIBIT 1)
2. Variances Requested - April 15, 1997. The following Variances were withdrawn by the applicant at a meeting held on July 29, 1999.
 - i. Variance Request No. 16, Section 23-22, Compliance with Design Standards Required.
 - ii. Variance Request No. 17, Section 23-23, Compliance with State and County Regulations.
 - iii. Variance Request No. 19, Section 23-32, Lot Size, Shape, and Setback Line.
 - iv. Variance Request No. 20, Section 23-33, Minimum Lot Sizes.
 - v. Variance Request No. 22, Section 23-36, Through Lots; Planting Screen Easement.
 - vi. Variance Request No. 26, Grades and Curves.
 - vii. Variance Request No. 27, Protection from Existing or Proposed Arterial Streets.
 - viii. Variance Request No. 29, Private Streets.
 - ix. Variance Request No. 35, Right-of-Way Improvement.

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, its successors or assigns 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.

- C. The effective date of the PUD, except as otherwise conditioned in the following subsections, shall be the date on which the Planning Director has certified receipt of an executed contract by the Department of Water Supply for the construction of a 16-inch and a 20-inch waterline improvements along Palani Road, and that the applicant has paid for the water commitment deposit to secure the water commitments for the proposed Planned Unit Development.
- D. The plans for nine phases of the proposed subdivision shall be submitted to the Planning Director within five (5) years from the effective date of the Planned Unit Development (PUD). The proposed subdivision shall not exceed a maximum limit of 71 lots and may be accomplished in phases.
- E. Variance No. 18, Section 23-31 (Pedestrian Ways), Variance No. 21, Section 23-35 (Lot Side Lines) and Variance No. 32 (Curbs and Gutters) are subject to the approval of the Department of Public Works, Engineering Division at the time of Final Subdivision Approval.
- F. Variance No. 21, Section 23-35 (Lot Side Lines) shall comply with Exhibit No. 1 of Planned Unit Development request dated April 15, 1997.
- G. Variance No. 24, Section 23-45 (Intersection Angles; Corner Radius) - Lots 63 and 64 shall have a 25 feet minimum radius at the curb. Sight distance shall be subject to approval of the Department of Public Works, Engineering Division at the time of Final Subdivision Approval.
- H. Variance No. 33, Section 23-93 (Street Lights) - Street lighting shall be provided at the intersection with the Mid-Level Road.
- I. Variance No. 34, Section 23-94 (Street Name and Traffic Signs) shall comply with national standards for breakaway design and are shown to comply with the national standards in the Manual on Uniform Traffic Control Devices.
- J. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified.

Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.

- K. All access(es) and all interior roadways within the subject property, and the Mid Level Road to the stub out at Kealakehe Parkway, including intersection improvements, shall be constructed meeting with the approval and requirements of the Department of Public Works, prior to the issuance of Final Subdivision Approval. Mid Level Road improvements shall consist of a two-lane road and rough graded right of way to allow a 4-lane road, which shall extend to the northern property line. The applicant shall dedicate the Mid Level Road right-of-way in fee simple to the County of Hawaii upon its request.
- L. Utilities shall be placed underground within the project area meeting with the approval of the Department of Public Works. 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.
- M. An overall landscaping master plan, which includes landscaping along the property's frontages along the Mid Level Road, the interior roadways and individual lots and a program for the maintenance of the landscaping shall be submitted to the Planning Director for review and approval, in consultation with the Chief Engineer prior to the issuance of final subdivision approval. The Mid Level Road frontage landscaping shall be installed prior to occupancy of units in Phase 1. All other lots frontage and open space landscaping improvements shall be installed prior to the occupancy of the units in each subdivision phase of the Planned Unit Development.
- N. The applicant shall comply with the Solid Waste Management Plan as approved by the Department of Public Works.
- O. The applicant shall construct all individual wastewater systems, drainage, roadway and water system improvements required by the Department of Water Supply, Fire Department, Department of Public Works and State Department of Health.
- P. Comply with all applicable laws, rules, regulations and requirements.
- Q. 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

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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.

R. An initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances:

1. 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.
2. Granting of the time extension would not be contrary to the general plan or zoning code.
3. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
4. 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).

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

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Enclosures

Mr. Michael Riehm
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xc: West Hawaii Office
DPW, Building Division
DPW, Engineering