

Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

CERTIFIED MAIL
P 417 370 099

July 27, 1998

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

Dear Mr. Riehm:

Planned Unit Development Application (PUD 97-002)
Planned Unit Development No. 58
Applicant: Mike J. Prohoroff
Request: To Develop a 34-Lot Traditional Neighborhood Development
Tax Map Key: 5-4-006: 021 & 036

After reviewing your application and the submittal, the Planning Director certifies the approval of the Planned Unit Development (PUD) application to allow the construction of a 34 unit Single Family Residential Subdivision Development on a 10.13 acre parcel situated within the Single Family Residential 10,000 square feet (RS-10) zone district with variances from Flag Lots, Minimum Street Frontage, Minimum Building Site Area Minimum Average Width, General Requirements for Yards and Open Spaces, Triangular or Irregular Building Sites, Corner Building Sites, Fences and Accessory Structures, Minimum Building Site Average Width, Minimum Yards, Other Regulations of Chapter 25 (Zoning Code) and Compliance with Design Standards Required, Compliance with State and County Regulations, Lot size, Shape and Setback Line, Lot Side Lines, Street Location and Arrangement, Minimum Right-of-Way and Pavement Widths, Future Extension of Streets, Intersection Angles, Corner Radius, Cul-de-Sacs, Grades and Curves, Private Streets, Non-Dedicable Street, Private Dead-End Street, Sidewalks, Curbs and Gutters, Street Lights, Street Name and Traffic Signs, Right-of-Way Improvement of the Subdivision Code (Chapter 23) and Article 21 (PUD, Planned Unit Development).

Please accept our sincere apologies for this tardy confirmation of the approval granted to allow the requested Planned Unit Development. We have been working within the department to improve the efficiency of this process which will hopefully result in more timely responses to future applications. Your patience is appreciated.

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The project site is located on the mauka (south) side of Akoni Pule Highway approximately 200 feet west of Kynnersley Road at Hanaula, North Kohala, Hawaii, TMK: 5-4-006: 021 & 036.

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 phases with Phase 1 occurring as soon as all other necessary governmental approvals have been secured. Phase 2 would start by January 1999 with completion in June 1999. This phase consists of final engineering design to develop the Final Subdivision Application and approvals. Site work on Phase 3 would start by July 1999 with completion by December 1999. Anticipated sales begin in Phase 4 for 5 to 10 house and lot packages beginning January 2000 with completion by June 2000. Phase 5 anticipated sales for an additional 5 to 10 house and lot packages beginning July 2000 with completion by December 2000. Phase 6 anticipated sales for the remaining lots beginning January 2001 and ending December 2001. The overall project approximately 3 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" and promotes social interaction; provide for a safe, pedestrian oriented environment; develop a master plan that fits harmoniously into the local context with housing design that respects local building vernacular and landscaping that blends well with the natural environment and provide housing at a reasonable cost for the "gap Group" segment our local residents - those whose income is too high to qualify for affordable housing but not enough to buy the medium price home in Hawaii. The maximum allowable density under the present zoning is 44 units. The applicant could have developed 44 units, 10,000 square feet in size if a standard subdivision was to be developed. The applicant is proposing to develop 34 units, in order to blend well with the existing surrounding residential neighborhoods.

Access to the subdivision will be from Akoni Pule Highway. The main street with on-street parking has an AC pavement width of 22 feet and a 40 foot right-of-way. Minor secondary streets have an AC pavement width of 20 feet with a 40 foot right-of-way. 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 5% range, street grades should be moderate.

These roadway sizes allow proper access for service and emergency vehicles. The main street will have landscaped open spaces which will act as speed buffers forcing traffic to reduce speed at these locations. It is anticipated that the traffic speed posted for the project will be in the 15 m.p.h. range. The open spaces will also provide spatial interest and visual variety in the community. These elements are designed to provide a higher level of pedestrian safety within the community.

The development's average lot size is 10,000 square feet to 12,374 square feet, with the average lot size being approximately 10,240 square feet. The dimensions of the lots are developed to provide the spatial characteristics of the neighborhood and to create an intimate and pedestrian friendly community. With the PUD approach, the houses are

controlled in size, to reduce the impact of development and small lot size appearance. The PUD will have 15 feet front, 20 feet rear yard and 8 feet side yard setbacks. The variance request for front yard and side yard setbacks is due to the design of the homes with lanais on the front and rear of the houses. With controlled housing widths, reducing the side yard setback allows for more useable space at the side yard. A primary design goal of the PUD is to provide a safe, visually stimulating and efficient pedestrian network system throughout the 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, landscaped open spaces, and landscape easement. 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.

The houses will have a dominant front lanai that in most cases fronts the main street which encourages residents to get to know their neighbors and monitor the security of the neighborhood. A few of the houses will have a rear lanai for outdoor dining and social purposes. At the street facade, two car garages will be setback from the front of the lanai, minimizing their impact. 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. The Hawi Kapaau area has a fine collection of plantation styled residential architecture and this vernacular will be used as an inspiration for the design of the new homes in the development. 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. There will be various model homes offered, one story and possibly two story minimum 3 bedrooms, ranging in size from approximately 1,200 square feet to 1,500 interior square feet. Sales prices for the home will range from a low of approximately \$180,000 to a high determined by the prevalent market conditions. The sales price of the homes will vary depending on such factors as proximity to neighborhood amenities, location off landscaped open spaces, location on the higher site elevations, views, square footage and time of purchase. 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. 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.**

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

ZONING CODE:

1. Variances and exhibits 1 to 14 listed in the Table of Contents, dated 7-29-97. **(ATTACHED AS EXHIBIT 1)**

SUBDIVISION CODE:

1. Variances listed in the Table of Contents, dated 7-29-97. **(ATTACHED AS EXHIBIT 1)**

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 upon receipt of the official acceptance from the Department of Water Supply 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 Phase 1 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 34 lots and may be accomplished in phases.
- E. 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 DLNR-SHPD shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigative measures have been taken.

- F. Access to the property from Akoni Pule Highway shall include improvements as required by the Department of Transportation, Highways Division and the interior roadways 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.
- G. An overall landscaping master plan, which includes landscaping along the property's frontages along Akoni Pule Highway, 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 Akoni Pule Highway 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.
- H. The applicant shall comply with the Solid Waste Management Plan as approved by the Department of Public Works.
- I. 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. In addition, all utilities for the proposed development shall be placed underground.
- J. Comply with all applicable laws, rules, regulations and requirements.
- K. 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

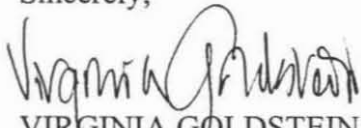
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remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.

- L. 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

EMM:rld

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Enclosures

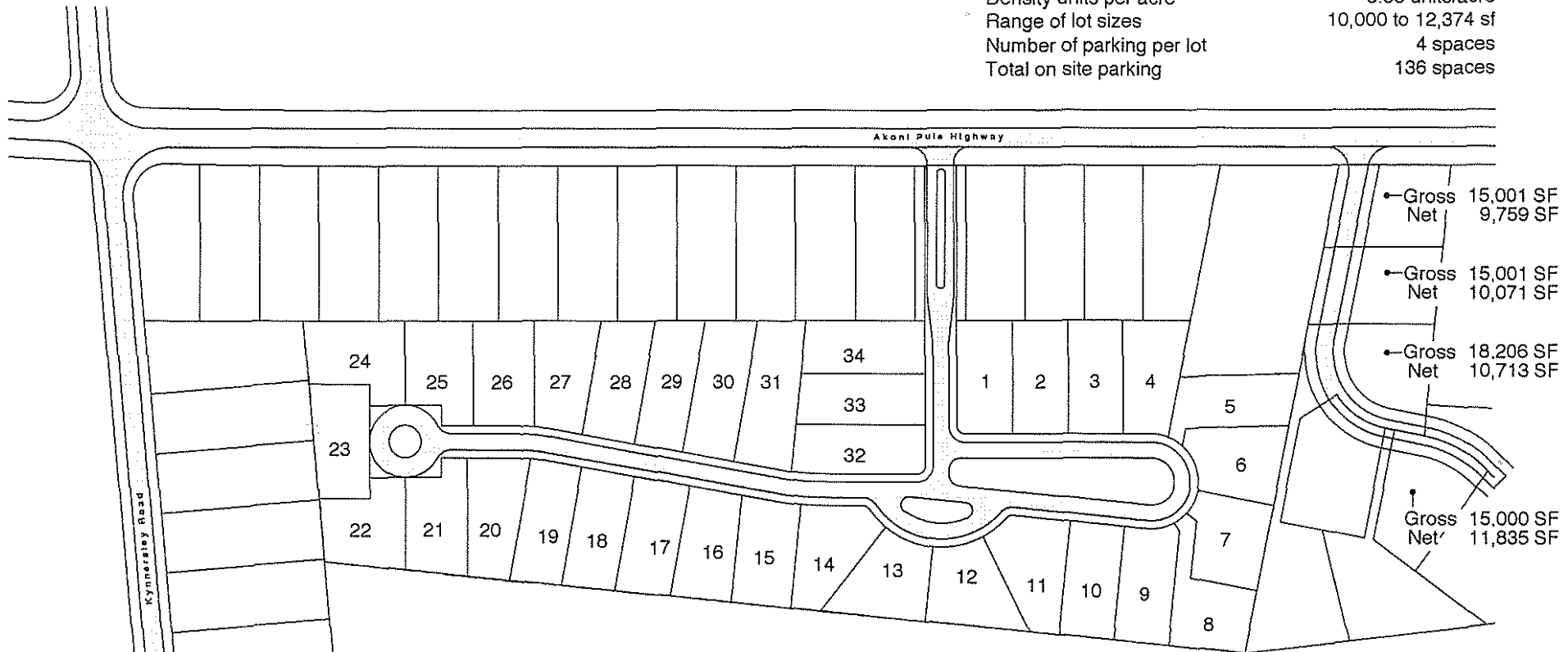
xc: West Hawaii Office

DPW, Building Division

DPW, Engineering

PROJECT INFORMATION SC: 1" = 200'

Area of site	10.13 acres
Area of road right of way and openspace	2.02 acres
Type of housing	single family
Number of Units	34 units
Density units per acre	3.36 units/acre
Range of lot sizes	10,000 to 12,374 sf
Number of parking per lot	4 spaces
Total on site parking	136 spaces

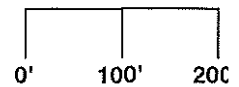


LOT SIZE

LOT 1	10,131.1 SF	LOT 18	10,026.0 SF
LOT 2	10,010.0 SF	LOT 19	10,014.5 SF
LOT 3	10,010.0 SF	LOT 20	10,135.4 SF
LOT 4	10,349.9 SF	LOT 21	10,052.3 SF
LOT 5	10,063.1 SF	LOT 22	10,109.5 SF
LOT 6	10,056.2 SF	LOT 23	10,010.0 SF
LOT 7	10,000.8 SF	LOT 24	11,117.6 SF
LOT 8	10,045.3 SF	LOT 25	10,024.5 SF
LOT 9	10,161.0 SF	LOT 26	10,051.8 SF
LOT 10	10,010.0 SF	LOT 27	10,047.4 SF
LOT 11	10,938.2 SF	LOT 28	10,094.9 SF
LOT 12	10,141.2 SF	LOT 29	10,046.6 SF
LOT 13	10,141.0 SF	LOT 30	11,439.5 SF
LOT 14	10,190.4 SF	LOT 31	12,374.3 SF
LOT 15	10,015.1 SF	LOT 32	10,070.9 SF
LOT 16	10,009.6 SF	LOT 33	10,061.5 SF
LOT 17	10,034.3 SF	LOT 34	10,189.4 SF

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PLANNERS
ARCHITECTS

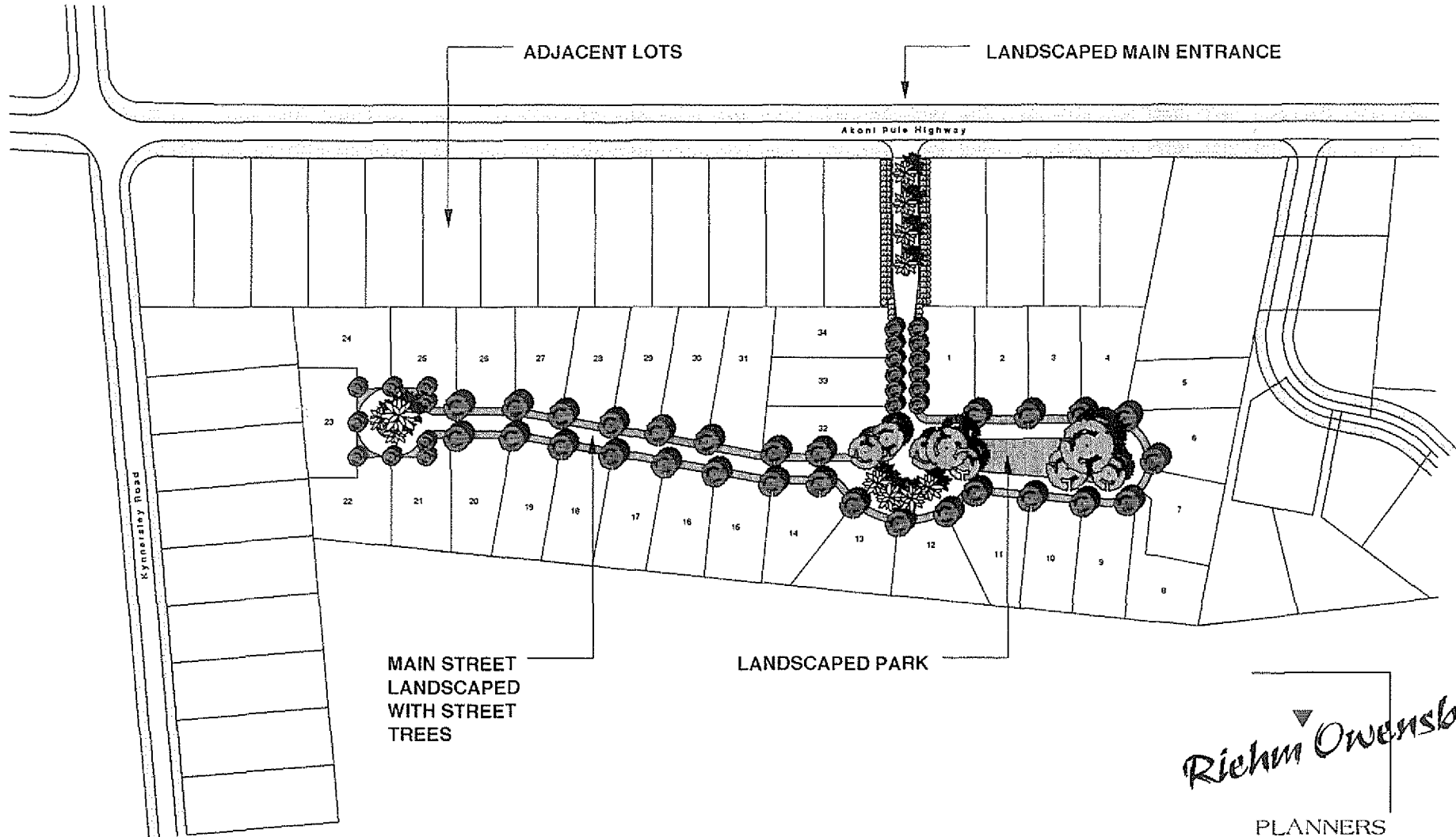


North Kohala, Hawaii, TMK 5-4--06: 21 & 36
 North Kohala Land Company, Inc.
 P.O. Box 450, Hawii, Hawaii, 96719

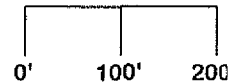
Date: 2/5/98
 Witcher & Associates Inc.
 Consulting Engineers

A Traditional Neighborhood Development

MASTERPLAN DESIGN CONCEPT SC: 1" = 200'



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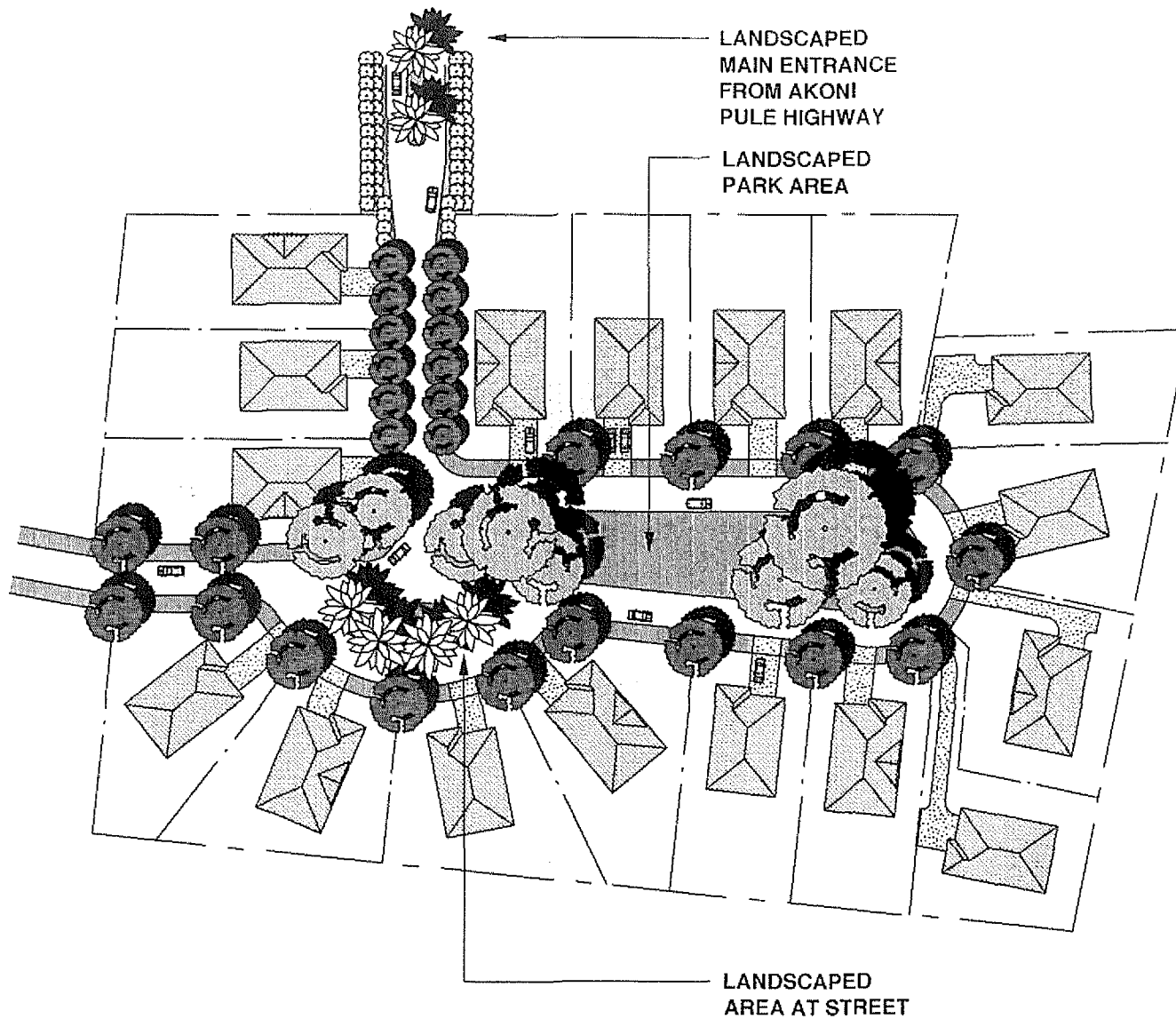


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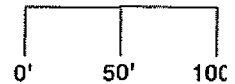
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NEIGHBORHOOD OPENSOURCE DESIGN SC: 1"= 100'



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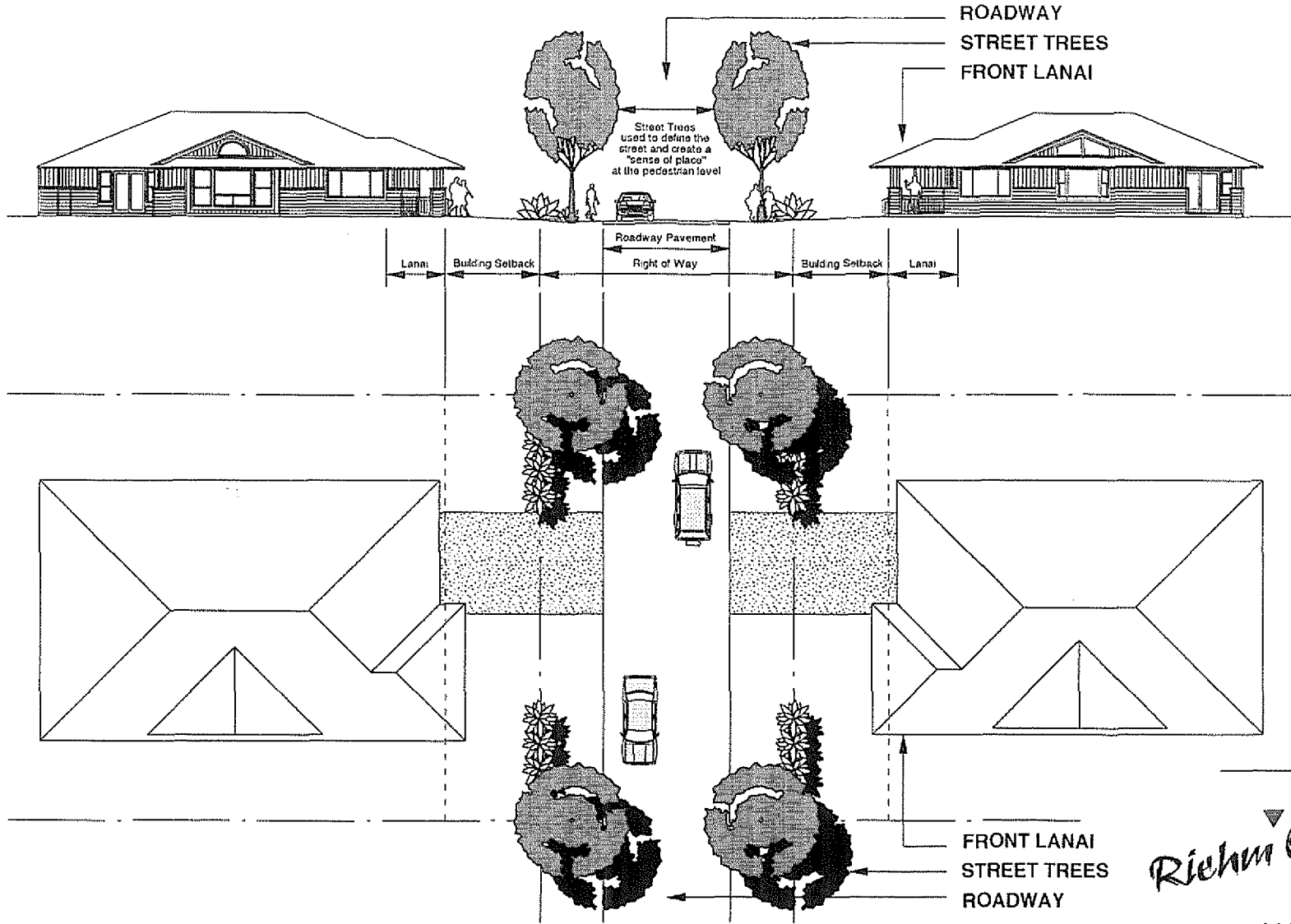


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NEIGHBORHOOD STREET CHARACTER SC: 1" = 25'



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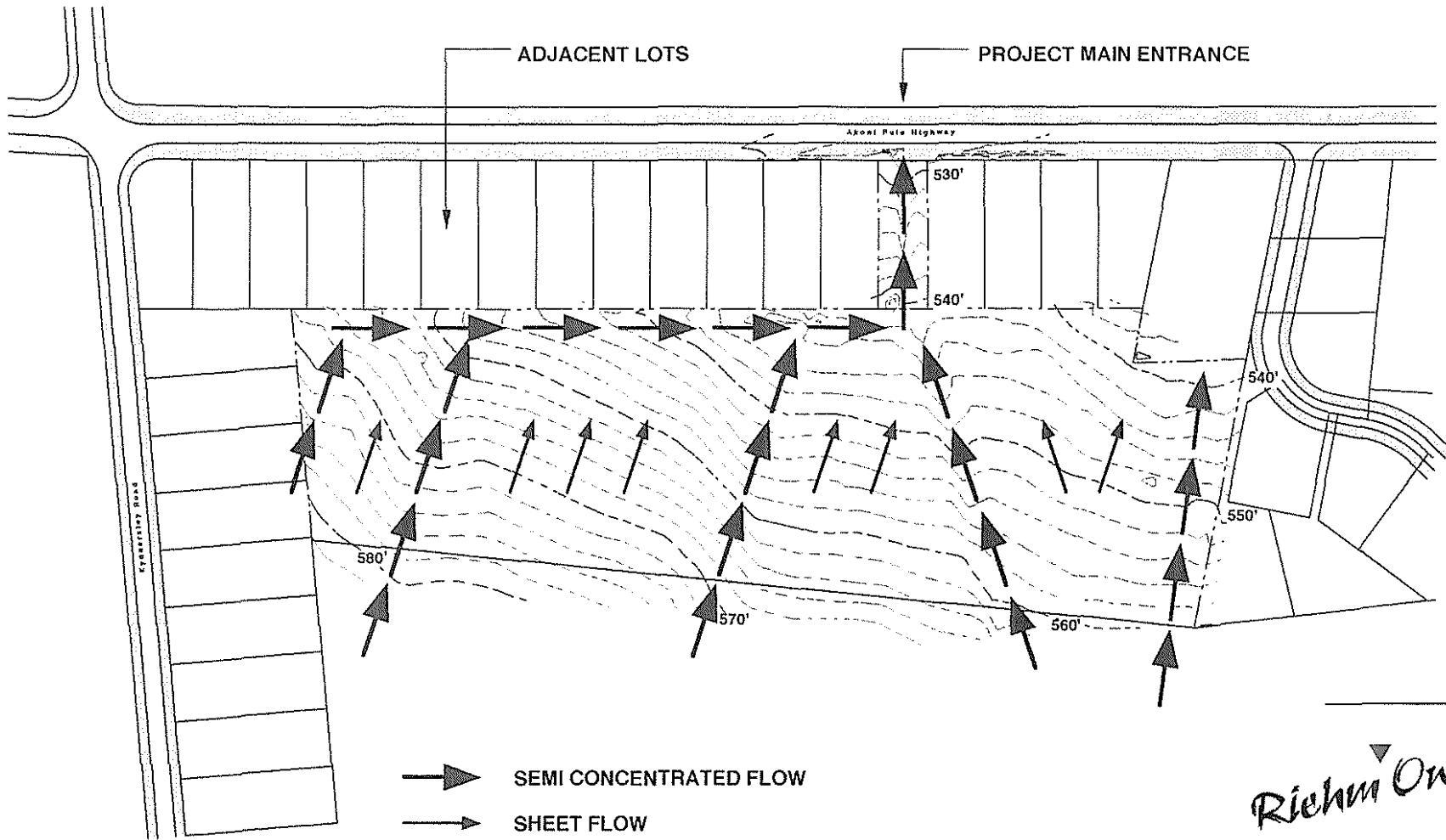
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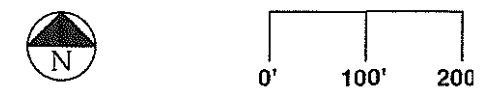
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EXISTING DRAINAGE PATTERN SC: 1"= 200'



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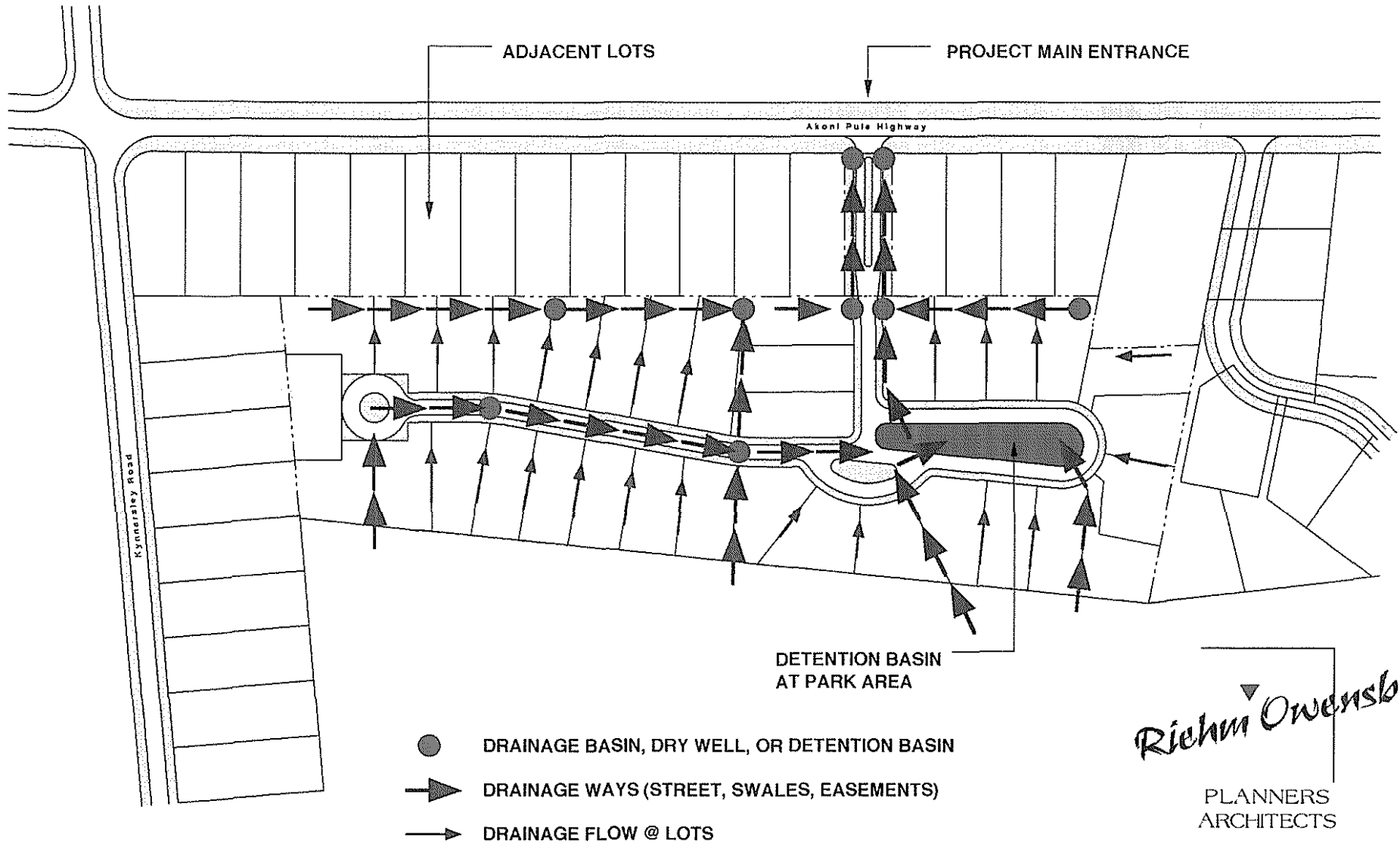


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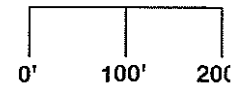
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PROPOSED DRAINAGE PATTERN SC: 1" = 200'



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