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County of Hawaii

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PLANNING DEPARTMENT

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July 21, 2000

Mr. Gregory R. Mooers
Mooers Enterprises
P.O. Box 1101
Kamuela, Hawaii 96743

Dear Mr. Mooers:

PLANNED UNIT DEVELOPMENT APPLICATION WH(PUD 00-002)

Planned Unit Development No. 63

Applicant: Gregory R. Mooers

Owner: 1997 Hawaii Land Partnership

Request: To allow the construction of a 17-Lot Single Family Residential Subdivision
Ali'i Kehau Subdivision (No. 7134)

TAX MAP KEY: 7-3-059:007 (formerly 7-3-005: 099 (por) & 7-3-031:070)

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 17 unit Single Family Residential Subdivision Development on a 4.96 acre parcel situated within the Single Family Residential 10,000 square feet (RS-10) zone district with variances from Design Standards, Cul-de-Sacs, Private Streets, Pedestrian Way, Curbs and Gutters and Right-of-Way Improvement of the Subdivision Code (Chapter 23) and Article 21 (PUD, Planned Unit Development).

The project site is located on the east (mauka) side of Oneone Street, approximately 450 feet north of the Ka'iminani Drive - Oneone Street intersection in Kaloa 4th, North Kona, Hawaii, TMK: 7-3-059:007.

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 (RS) 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).

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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.**

On June 8, 1998 Tentative Subdivision No. 98-028 was approved for a subdivision consisting of 2 increments. On July 2, 1999 Final Subdivision No. 7134 was granted for Increment I for the subject property which fronts Ke'oke'o Street. Increment I consists of a 6-lot residential subdivision with one lot consisting of 4.96 acres. Increment II consists of 4.96 acres. Increment II will be subdivided into a 17-lot single family residential subdivision. Construction will begin as soon as Final Subdivision is issued by the Planning Department and the development of the Subdivision is expected to be completed within 2 years from the date of Final Subdivision approval.

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 cost of approximately \$210,000 to \$250,000. The maximum allowable density under the present zoning is 21 units (216,057.6 s.f./10,000 s.f. = 21 units). The applicant proposes the development of 17 units, 10,015 square feet to 14,730

square feet in size. The applicant proposes the development of 17 lots in order to blend well with the existing surrounding residential neighborhoods.

Access to the subdivision will be from Oneone Street. Oneone street has a pavement width of 50 feet within a 20 foot right-of-way with fully improved pavement, paved shoulders and swales. Oneone Street is accessed by Ka'iminani drive, the main mauka-makai access road between Queen Kaahumanu Highway and Mamalahoa Highway.

The main private access road within the subdivision will serve 13 of the 17 lots and a private driveway easement will provide access to the remaining 4 lots. The main private road will have a 50 foot wide right-of-way and be approximately 640 feet in length and end in a cul-de-sac. This private road will be improved with a 20 foot wide pavement with 2 feet - 6 inch roll curbs and 6 foot wide grassed shoulders and non-dedicable drywells. The private road easement will have a 20 foot wide right-of-way and be approximately 160 feet in length and end in a cul-de-sac. The private easement will be improved with a 16 foot wide pavement and 2 feet grassed shoulders. These private roads are not intended to connect to any other existing streets in the area except the main entrance from Oneone Street.

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 6% 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. 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 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 "Hawaiian Architecture" 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. Natural light into the homes may be provided through the use of energy efficient skylights. There will be 2 to 3 model homes offered, both one story and two story with minimum 3 bedrooms, 2 baths and ½ bath, ranging in size from approximately 1,100 square feet to 1,500 interior square feet. Sales prices for the home will range from a low of approximately \$210,000 to \$250,000 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 of 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:

SUBDIVISION CODE:

The following Variances from the Subdivision Code are approved as stated in the application and addendum dated February 11, 2000:

1. Chapter 23, Section 23-22 (Compliance with Design Standards)
2. Chapter 23, Section 23-95 (Right-of-Way Improvement)

The following Variances from the Subdivision Code are withdrawn by the applicant:

1. Chapter 23, Section 23-50 (Grades and Curves)
2. Chapter 23, Section 23-89 (Sidewalks)
3. Chapter 23, Section 23-92 (Land Surface Drainage)
4. Chapter 23, Section 23-48 (Cul-de-Sacs)
5. Chapter 23, Section 23-53 (Private Streets)
6. Chapter 23, Section 23-90 (Pedestrian Way)
7. Chapter 23, Section 23-91 (Curbs and Gutters)

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.

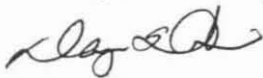
- D. The plans for Increment II of the proposed subdivision shall be submitted to the Planning Director within five (5) years from the effective date of the Planned Unit Development (PUD). The proposed subdivision shall not exceed a maximum limit of 17 lots and may be accomplished in phases.
- E. Should 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. Oneone Street and Ke'oke'o Street extension and the road dedication shall meet with the requirements of Ordinance No. 97-87 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 Oneone Street, 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 Oneone Street frontage landscaping shall be installed prior to occupancy of units in Increment II. 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.

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- 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 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,



f VIRGINIA GOLDSTEIN

Planning Director

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xc: West Hawaii Office
DPW, Building Division
DPW, Engineering
Subd. No. 7134