

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
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

7000 0520 0025 2206 6562

December 5, 2001

Mr. William L. Moore
William L. Moore Planning
159 Halai Street
Hilo, HI 96721

Dear Mr. Moore:

PLANNED UNIT DEVELOPMENT APPLICATION (PUD 01-01)

Applicant: Kaomalo LLC

Consultant: William L. Moore

Tax Map Key: (3) 6-7-002:057 (por) and 58

After reviewing the information submitted with the Planned Unit Development Application, the Planning Director approves Planned Unit Development (PUD) No. 64 to allow the development of a 92 unit residential subdivision and related uses within the Multiple Family Residential (RM-5) zoned district with variances from the minimum lot size and front yard requirements of the Zoning Code. Approval of PUD No. 64 includes the granting of Variances from Zoning Code Section 25-5-34 relating to minimum building site area and Section 25-5-36(1) relating to minimum yards in the Multiple Family Residential District. The project site is situated on the east (Hamakua) side of the proposed Kaomoloa Road Extension and is immediately adjacent to the western boundary of the Waimea Elementary and Intermediate School Complex, Waikoloa and Puukapu, Waimea, South Kohala, Hawaii, TMK: (3) 6-7-002:057 (por) & 058.

011724^{WJ}

DEC 10 2001

FINDINGS:

1. Kaomalo LLC, a joint venture between Parker Ranch and Schuler Homes, Inc., is the developer of the real property described in this application.
2. The total land area of this PUD is approximately 25 acres.
3. The PUD is situated in the Multiple Family Residential (RM-5) District.
4. In accordance with requirements of Section 25-6-10(Criteria for granting a PUD):
 - a) **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 Project will be developed in Phases with the initial phase consisting of approximately 22 lots to be developed with single family residential units by the end of 2002 with the overall development completed within approximately 2 years thereafter.

- b) **the proposed development substantially conforms to the General Plan.**

Currently, the site of this PUD Application, zoned Multiple Family Residential is consistent with the Medium Density classification of the Waimea area on the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map.

In addition, the following General Plan element 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 socioeconomic 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.

MULTIPLE FAMILY RESIDENTIAL ELEMENT

GOALS

To provide for multiple residential developments that maximizes 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. The County shall encourage flexibility in the design of residential sites, building and related facilities to achieve a diversity of socio-economic housing mix and innovation means of meeting the market requirements.

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.

- c) **the proposed 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 design concept for the proposed Planned Unit Development is to provide 92 single family residential units which is less than half of the maximum number or multiple family residential units allowed (217). Of the 92 lots to be created, 84 will be less than 7500 square feet in area. The access to the subdivision will be from Kaomoloa Road. The surrounding land uses in the general vicinity of the subject property consist of single family residential, commercial uses and Waimea School. Thus, the land utilization will be no higher than the general vicinity and that which has been permitted for the development.

- d) **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 existing character of the community. In lieu of a typical multiple family complex of buildings up to 45 feet in height, the PUD will comprise of one residential unit for each 5000 square feet of land area, which matches the density suggested³ by the zoning. The 5000 square feet per building site, however, is less than the Minimum Building Site Area requirements of Section 25-5-34. A lot size of at 7500 square feet is required, hence the need for a variance. Within the PUD, there will be 10 park areas as well as tree-lined streets. 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 make it desirable to apply regulations and requirements differing from those ordinarily applicable under the district regulations.

In lieu of the twenty (20) feet front yard required by Section 25-5-36(1), a front yard of fifteen (15) feet will be provided. This fifteen (15) feet is consistent with the minimum front yard requirement for a single family residence being constructed on a lot less than 10,000 square feet in area in any Single Family Residential District.

In accordance with Section 25-6-6:

- the planning director may conditionally approve an application for a PUD.
- Any conditions imposed by the planning department upon approval of an application for PUD 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.
- Any PUD, 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:

1. **ZONING CODE**

- a. To allow the creation of lots with a minimum of 5000 square feet in area in the Multiple Family Residential (RM-5) District, a Variance from Section 25-5-34 (Minimum Building Site Area) is hereby granted.
- b. To allow a front yard of fifteen feet in the Multiple Family Residential (RM-5) district, a Variance from Section 25-5-36(1) (Minimum Front Yard) is hereby granted.

The Planning Director approves the Planned Unit Development subject to the following conditions:

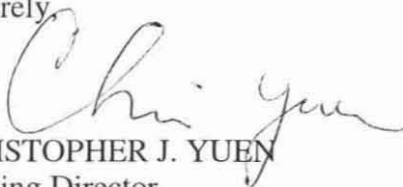
- A. The applicant, its successors or assigns be responsible for complying with all of the stated conditions of approval.
- B. The applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising 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. The provisions of the County's Subdivision Code relating to infrastructure improvements shall be met.
- D. 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.

- E. The applicant shall comply with all other applicable rules, regulations and requirements.
- F. 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.
- G. If the applicant should require an extension of time, the applicant may request for time extension pursuant to Section 25-6-14 (Time 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

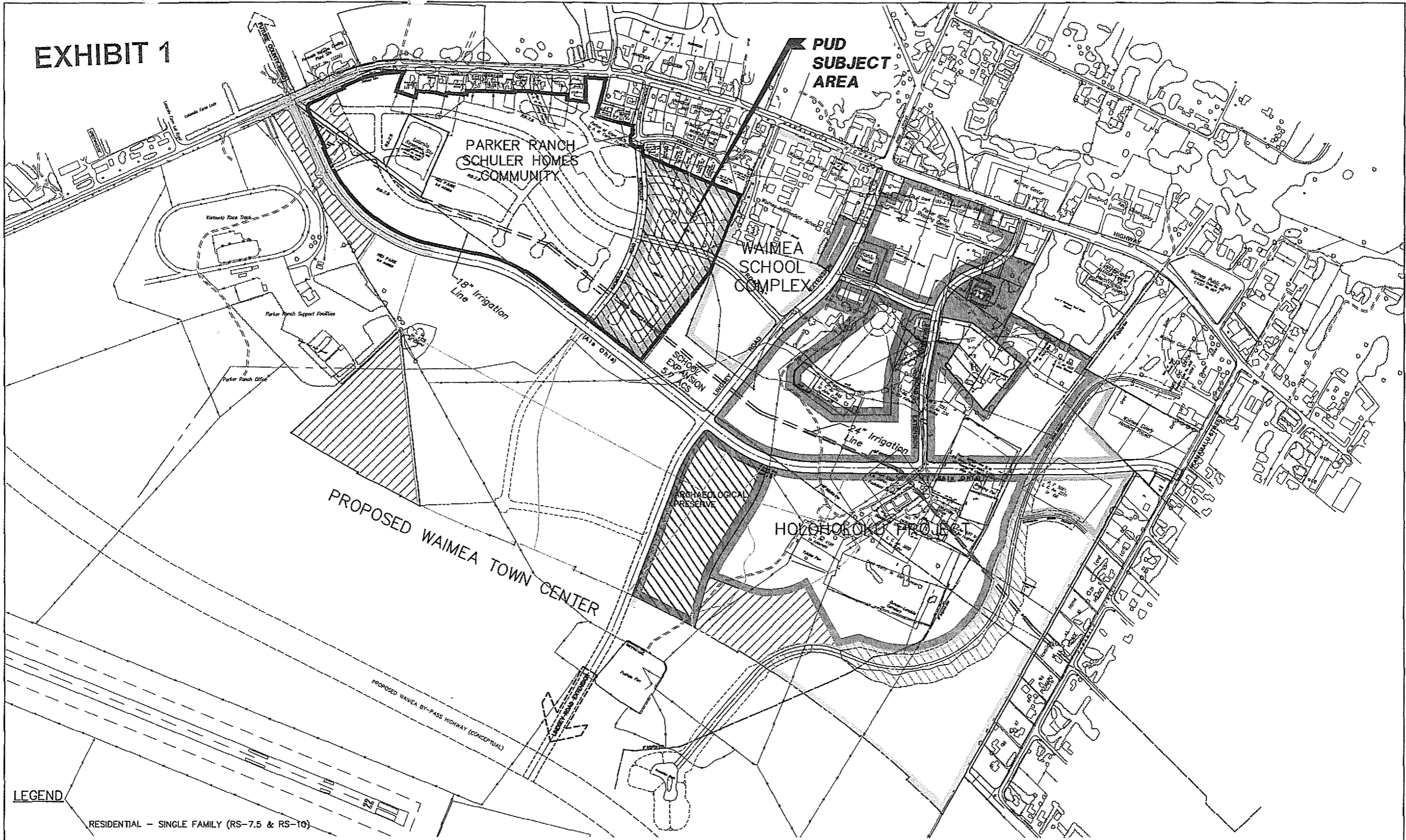


CHRISTOPHER J. YUEN
Planning Director

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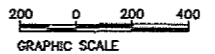
xc: Department of Public Works, Building Division
Department of Public Works, Engineering
Department of Water Supply
Subdivision Section
West Hawaii Planning Office

EXHIBIT 1



LEGEND

- RESIDENTIAL - SINGLE FAMILY (RS-7.5 & RS-10)
- RESIDENTIAL - MULTI-FAMILY (RM-5)
- RESIDENTIAL - AGRICULTURAL LOTS (1 AC) (RA-1a)
- COMMERCIAL (COMM) - PLANNED AND EXISTING
- PARK
- PRESERVE (PRES)
- AGRICULTURAL (A-40a)



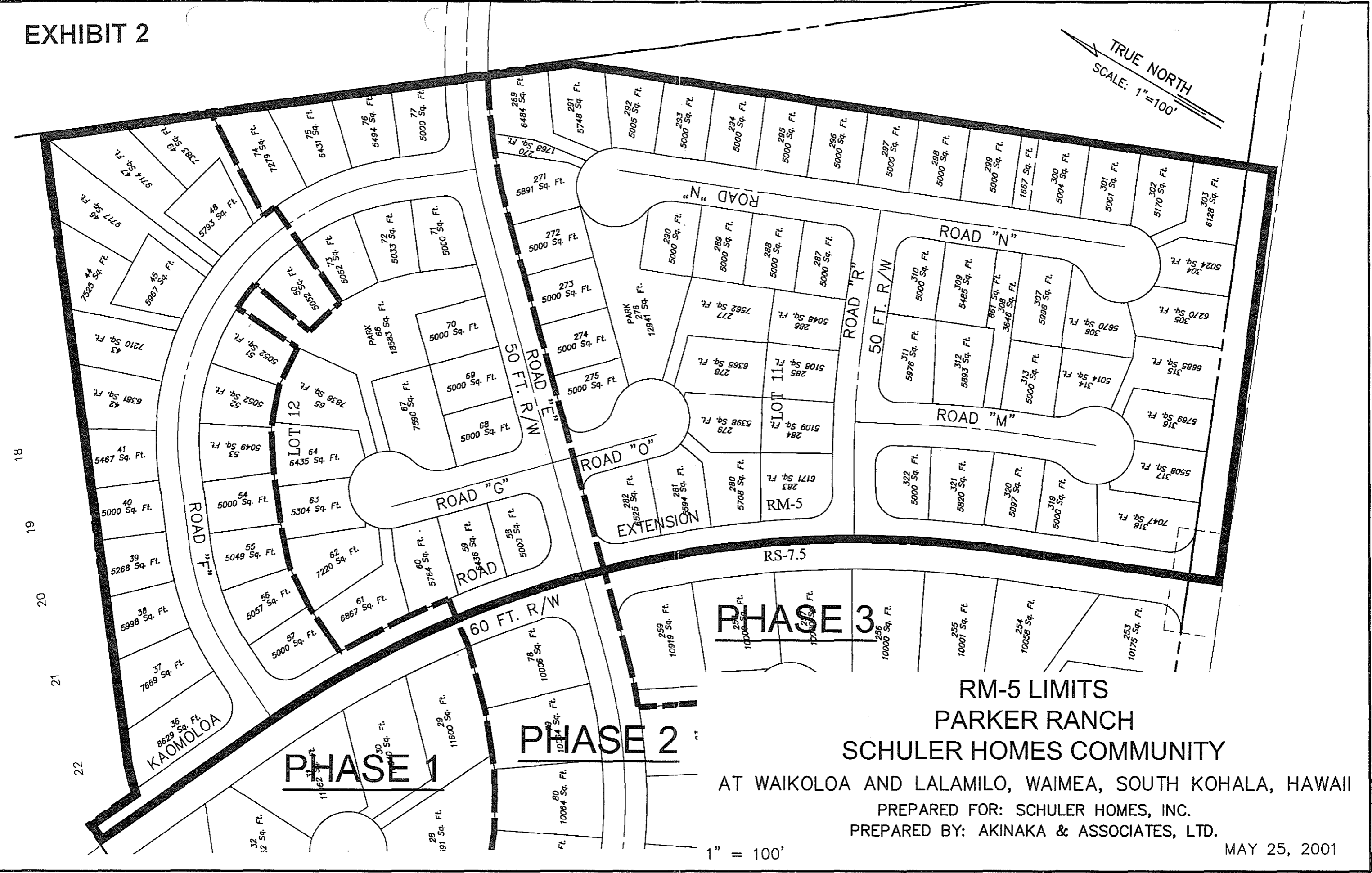
**PARKER RANCH
SCHULER HOMES COMMUNITY
LOCATION MAP**

PREPARED FOR: PARKER RANCH, INC.
PREPARED BY: AKINAKA & ASSOCIATES, LTD. DATE: August 7, 2001

FILE LOCATION MAP
 SCALE: AS SHOWN
 BEG: 3/21/98
 WORKSHEET NO. 1
 PH: STY
 DFR: JSM, RGO, PNA
 REVISED: 09/27/01
 REMARKS: LEG. BASE. RECEIVED J.D./J.Z.
 REVIEWED BY:

EXHIBIT 2

TRUE NORTH
SCALE: 1"=100'



PHASE 3

PHASE 2

PHASE 1

**RM-5 LIMITS
PARKER RANCH
SCHULER HOMES COMMUNITY**

AT WAIKOLOA AND LALAMILO, WAIMEA, SOUTH KOHALA, HAWAII

PREPARED FOR: SCHULER HOMES, INC.
PREPARED BY: AKINAKA & ASSOCIATES, LTD.

1" = 100'

MAY 25, 2001

FILE: schuler\m31117.dwg, M.: HSM
SCALE: 1"=100'
OPER: *bkm
REVISED: 31 Aug 2001
BEG: 24 May 2001