

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

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CERTIFIED MAIL

March 24, 2003

Mr. Michael Riehm
Riehm Owensby Planners Architects
74-5000 Mamalahoa Highway
Holualoa, HI 96725

Dear Mr. Riehm:

PLANNED UNIT DEVELOPMENT APPLICATION (PUD 03-01)
Applicant and Landowner: Kamehameha Investment Corporation
Agent: Steven S.C. Lim, Carlsmith Ball LLP
Tax Map Key: (3) 7-8-010: Portion of 50

After reviewing the information submitted with the Planned Unit Development Application, the Planning Director hereby approves Planned Unit Development (PUD) No. 64 to allow the development of a 45-lot single family residential subdivision and related improvements within the Single Family Residential (RS-15) zoned district. Approval of PUD No. 64 includes the granting of Variances from the minimum roadway, cul-de-sac length, and grade and curve requirements of the Subdivision Code, Chapter 23 and minimum lot size, minimum lot average width, and yard requirements of the Zoning Code, Chapter 25, Hawaii County Code. The project site is located on the mauka side of Keali'i Street and mauka of the Keauhou Estates Subdivision, approximately 600 feet from its intersection with Kamehameha III Road in Keauhou, North Kona, Hawaii, TMK: (3) 7-8-010: Portion of 050.

FINDINGS:

1. The project site, as well as Parcel 50 in its entirety, is owned by the Keauhou Kona Resort Company, which is a joint venture between the applicant, Kamehameha Investment Corporation, and the Keauhou Development Company. Authorization to submit the subject applications have been secured through an officer of the Kamehameha Investment Company.

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2. In accordance with Section 25-5-22 of the Zoning Code, the proposed single-family residential units are permitted uses under the existing Single Family Residential (RS-15) zoning of the property. The total land area of this PUD is 21.319 acres.
3. Individual lot sizes will range from approximately 13,560 to 25,322 square feet.
4. Interior access to the proposed single family residential lots from Kealii Street will be provided by a 44-foot wide private road having a pavement width of 24 to 26 feet, except at the main project entrance which will have divided 11-foot wide drive lanes.
5. August 8, 1994 – A Final Environmental Assessment-Negative Declaration for the proposed 45-lot subdivision was issued by the Planning Department and published in the Environmental Bulletin.
6. February 16, 1995 – Planning Commission issues Special Management Area (SMA) Use Permit No. 354 to allow the development of the 45-lot residential subdivision within the County's Special Management Area.
7. June 9, 1997 – Effective date of Ordinance No. 97-73, which changed the district classification of the project site from an Unplanned (U) to a Single Family Residential (RS-15) zoned district.

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 Applicant projected schedule is to begin construction in May 2003 with its completion in May 2004.

Projected sales to average 15 lots per year or a total of 45 lots over the course of three years.

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

The requested zone change conforms to the General Plan's Land Use Pattern Allocation Guide (LUPAG) map which designates the project site and surrounding lands as an Urban Expansion Area. Such a designation may allow for mix of high, medium and low density urban uses and Industrial and/or Open designations in areas where new settlements may be desirable, but where specific settlement patterns and mix of uses have not yet been determined, provided the goals, policies and standards of the General Plan are met. The requested change of zone to a Single Family Residential-zoned district conforms with a Low Density Urban designation and is consistent with the uses specified within the Urban Expansion Area

Approval of the Planned Unit Development Permit will conform to the following goals, policies and standards of the **Land Use and Residential Elements** of the General Plan:

- o Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- o To maximize choices of single-family residential lots and/or housing for residents of the County.
- o To ensure compatible uses within and adjacent to single-family residential zoned areas.
- o To provide single-family residential areas conveniently located to public and private services, shopping, other community activities and convenient access to employment centers.
- o Areas shall have basic improvements and amenities necessary for immediate use.

The proposed Planned Unit Development will allow for a proposed 45-lot subdivision development that will provide for a variety of housing choices within this section of Keauhou as well as attaining a diversity of socio-economic housing mix. As a Major Resort Area, the Keauhou-Kahalu'u area contains an established mix of single-family residential and multiple-family residential units. The proposed Planned Unit Development will allow the landowner to provide a

“higher quality, residential environment than is normally found in our standard subdivision communities. Through the use of a Planned Unit Development, common area open spaces, streets designed for pedestrians and a more livable community can be provided than would be possible if the project were designed utilizing a typical subdivision layout and County dedicable roadway standards.” This approach to subdivision development will compliment the following goals and policies of the **Housing Element** of the General Plan:

- o Attain a diversity of socio-economic housing mix throughout the different parts of the County.
- o Maintain a housing supply which allows a variety of choice.
- o 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.

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 proposed Planned Unit Development will consist of 45 single family residential lots ranging in size from approximately 13,560 square feet to 25,322 square feet. The average lot will contain approximately 17,000 square feet of land area. The project site, consisting of 21.319 acres, is currently zoned RS-15 and would permit a maximum of 61 single family residential units. The requested Planned Unit Development will not exceed the maximum unit density permitted by its RS-15 zoning while still preserving the minimum standards for open space as required by the Zoning Code. Each individual lot will have 15-foot wide front and rear yard setbacks, less than the 20 feet normally required by the Zoning Code. Side yard setbacks of 10 feet are consistent with Zoning Code requirements. The reduction of front and rear yard setbacks by only 5 feet will not compromise the open space concept promoted by the Zoning Code, especially

when considering the enhanced tree-lined streetscape detailed by the applicant in its Planned Unit Development application.

The project site is located directly east (mauka) of the existing Keauhou Estates Subdivision, which consists of 15,000+ square-foot lots on lands zoned RS-15. Lands located approximately 2,200 feet to the southwest of the project site was rezoned to an RS-15 zoned district in 1992 to accommodate the development of a 51-lot single family residential subdivision also consisting of 15,000+ square-foot lots. Approval of the Planned Unit Development will be consistent with other single family residential developments located within the immediate area while complimenting the social and physical environments already established along this portion of Kealii and Kaluna Streets.

- 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 of Keauhou, Kona while developing its own unique sense of community through the use of design concepts that promote, as the applicant calls it, "a sense of place" that promotes a feeling of community within residential communities through design. The variance from the requirements of Section 23-41, Minimum right-of-way and pavement widths and Section 23-48, Cul-de-sacs will minimize the physical and visual impact associated with large expanses of paved surfaces. The proposed PUD 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 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 to the maximum extent necessary to implement the Planned Unit Development in a manner as substantially represented by the applicant:

1. SUBDIVISION CODE:

- a. Section 23-29 regarding Block Sizes
- b. Section 23-31 regarding Pedestrian Ways
- c. Section 23-33 regarding Minimum Lot Sizes
- d. Section 23-35 regarding Lot Side Lines
- e. Section 23-36 regarding Through Lots; Planting Screen Easement
- f. Section 23-41 regarding Minimum Right-of-way and Pavement Widths
- g. Section 23-45 regarding Intersection Angles; Corner Radius
- h. Section 23-48 regarding Cul-de-sacs
- i. Section 23-50 regarding Grades and Curves
- j. Section 23-53 regarding Private Streets
- k. Section 23-88 regarding Non-Dedicable Street and Private Dead-End Street
- l. Section 23-89 regarding Sidewalks
- m. Section 23-91 regarding Curbs and Gutters
- n. Section 23-93 regarding Street Lights
- o. Section 23-94 regarding Street Name and Traffic Signs
- p. Section 23-95 regarding Right-of-Way Improvement

2. ZONING CODE:

- a. Section 25-4-14 regarding Flag Lots
- b. Section 25-4-30 regarding Minimum Street Frontage
- c. Section 25-4-31 regarding Minimum Building Site Area & Width
- d. Section 25-4-32 regarding Reduction of Building Site below Minimum Area
- e. Section 25-4-40 regarding General Requirements for Yards and Open Spaces
- f. Section 25-4-42 regarding Corner Building Sites
- g. Section 25-4-43 regarding Fences and Accessory Structures
- h. Section 25-5-06 regarding Minimum Building Site Average Width
- i. Section 25-5-07 regarding Minimum Yards

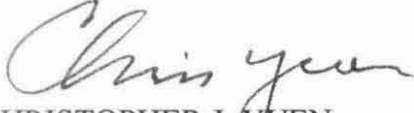
The Planning Director approves the Planned Unit Development subject to the following conditions:

- 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 by June 9, 2007.
- D. The 45-lot Planned Unit Development shall be developed in substantial compliance with representations made in its Planned Unit Development Application for Parcel 35. Keauhou Resort dated May 24, 2002.
- E. 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.
- F. The applicant shall comply with all other applicable rules, regulations and requirements, including the requirements of Change of Zone Ordinance No. 97-73 and Special Management Area Use Permit No. 354.
- G. 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.
- H. 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).

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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

DSA:da

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

Figure 4: Project Location

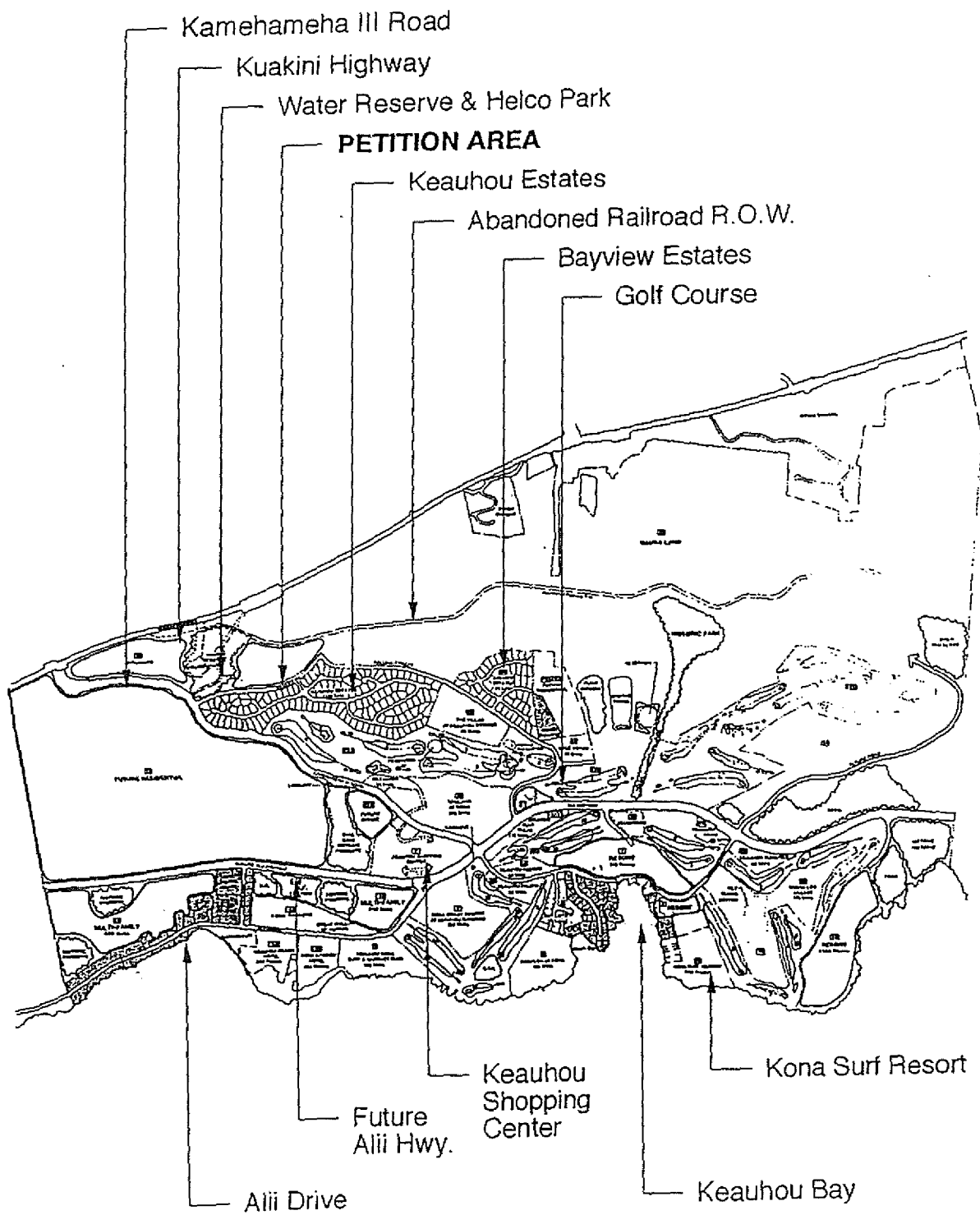


EXHIBIT 1

(Source: Land Use Masterplan - Belt Collins Hawaii)



Figure 2: Petition Area

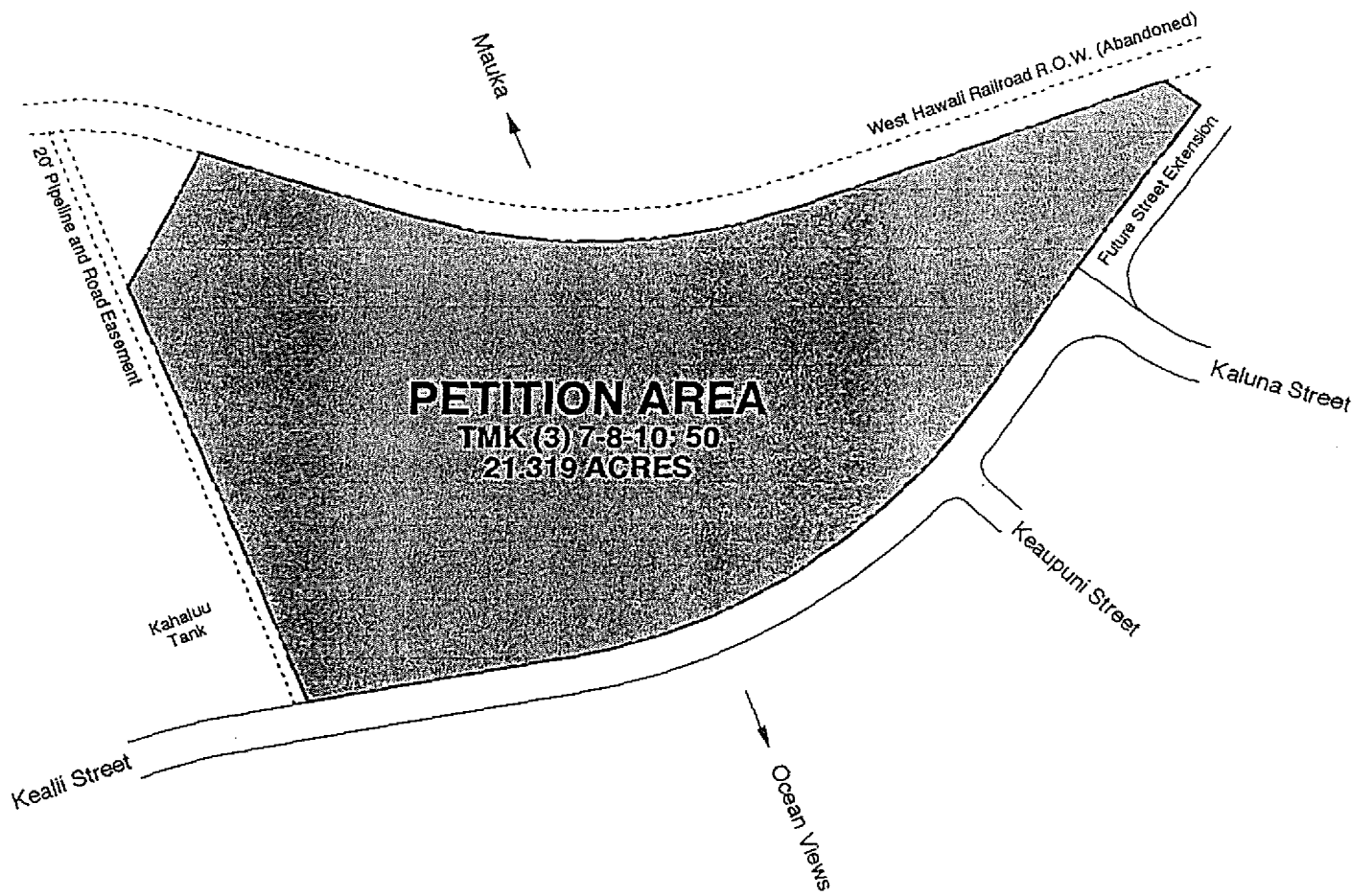


EXHIBIT 2

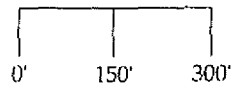


Figure 1: Masterplan Concept

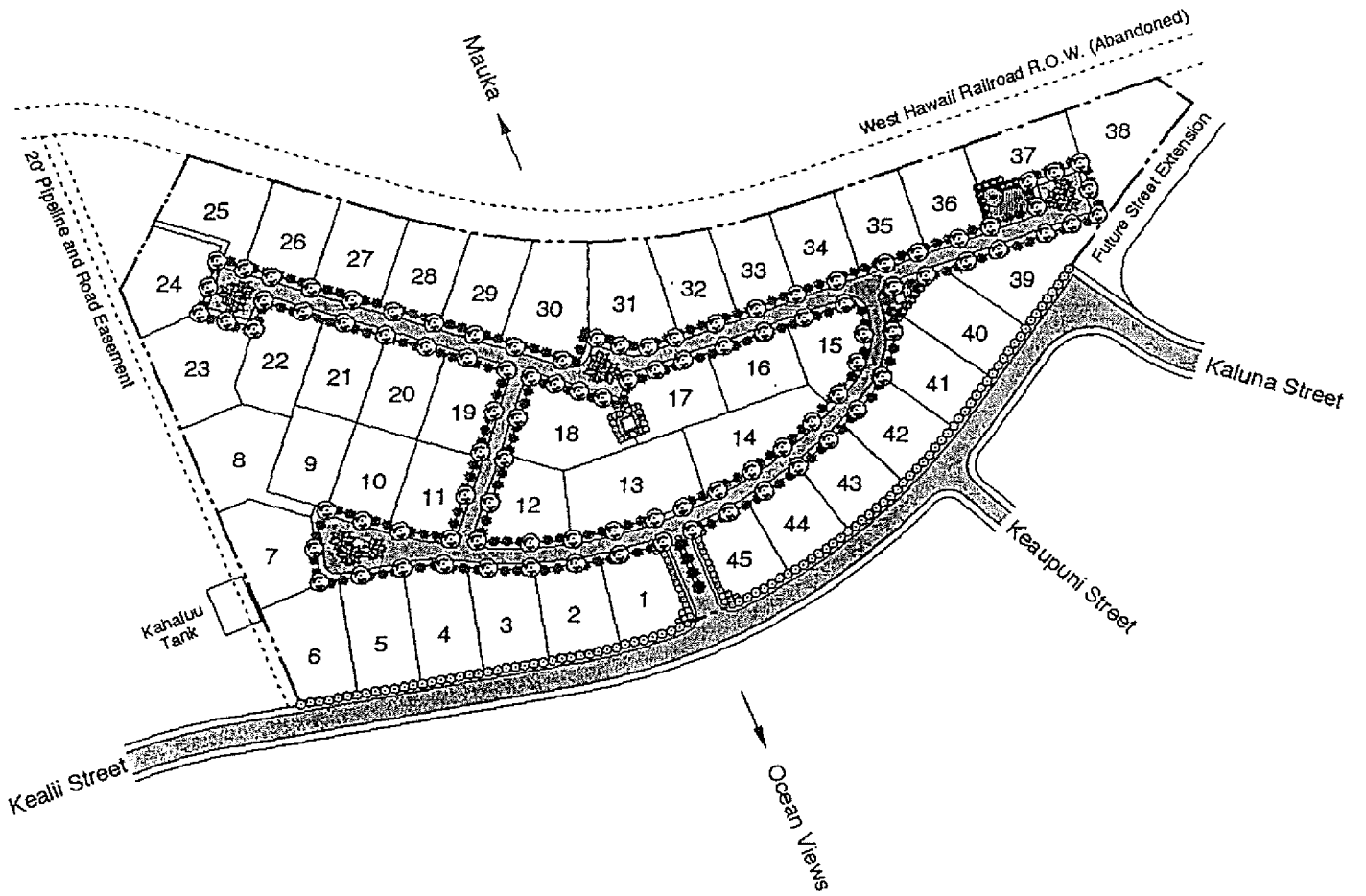


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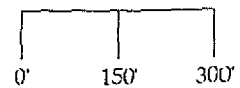


Figure 7: Landscape Theme

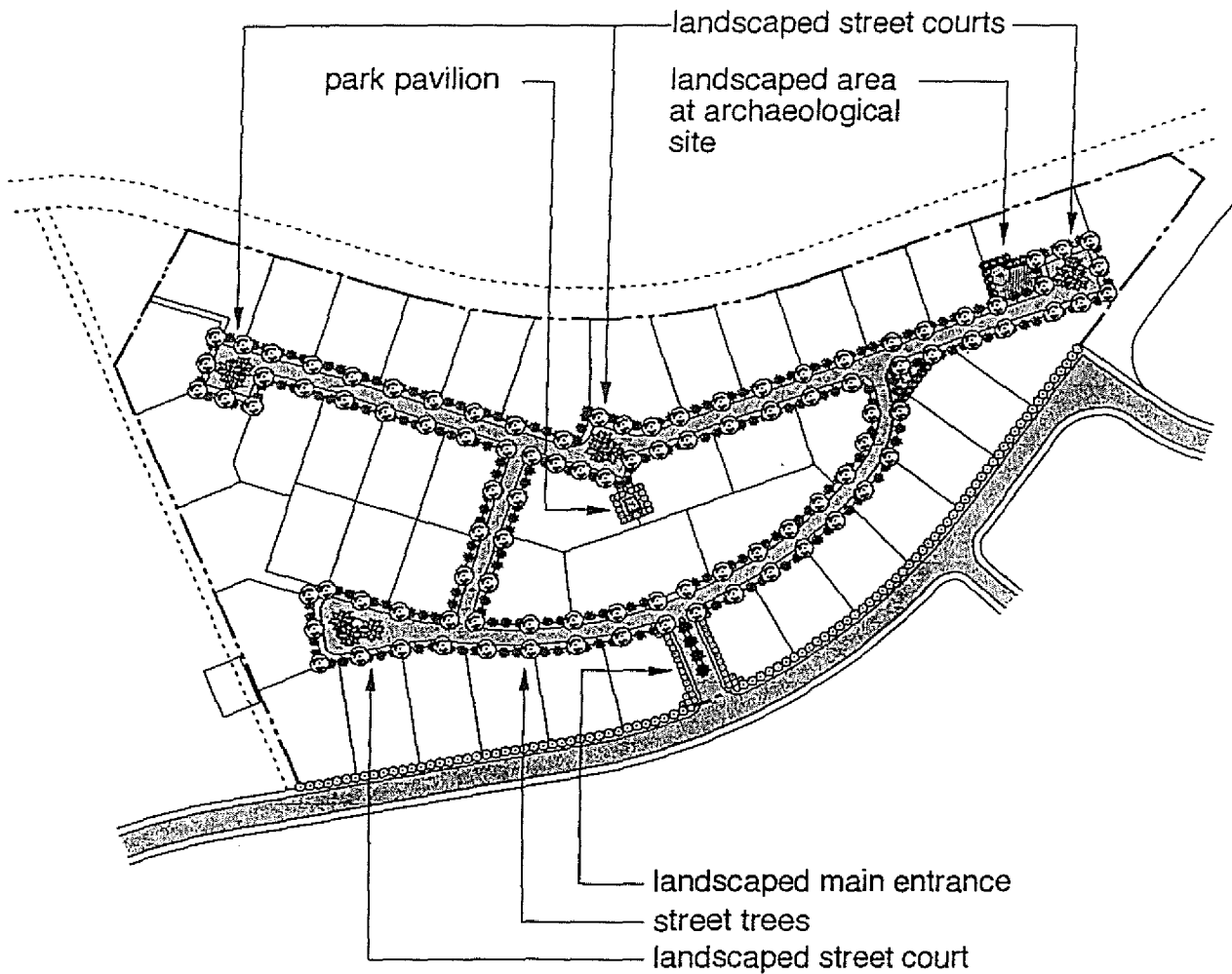
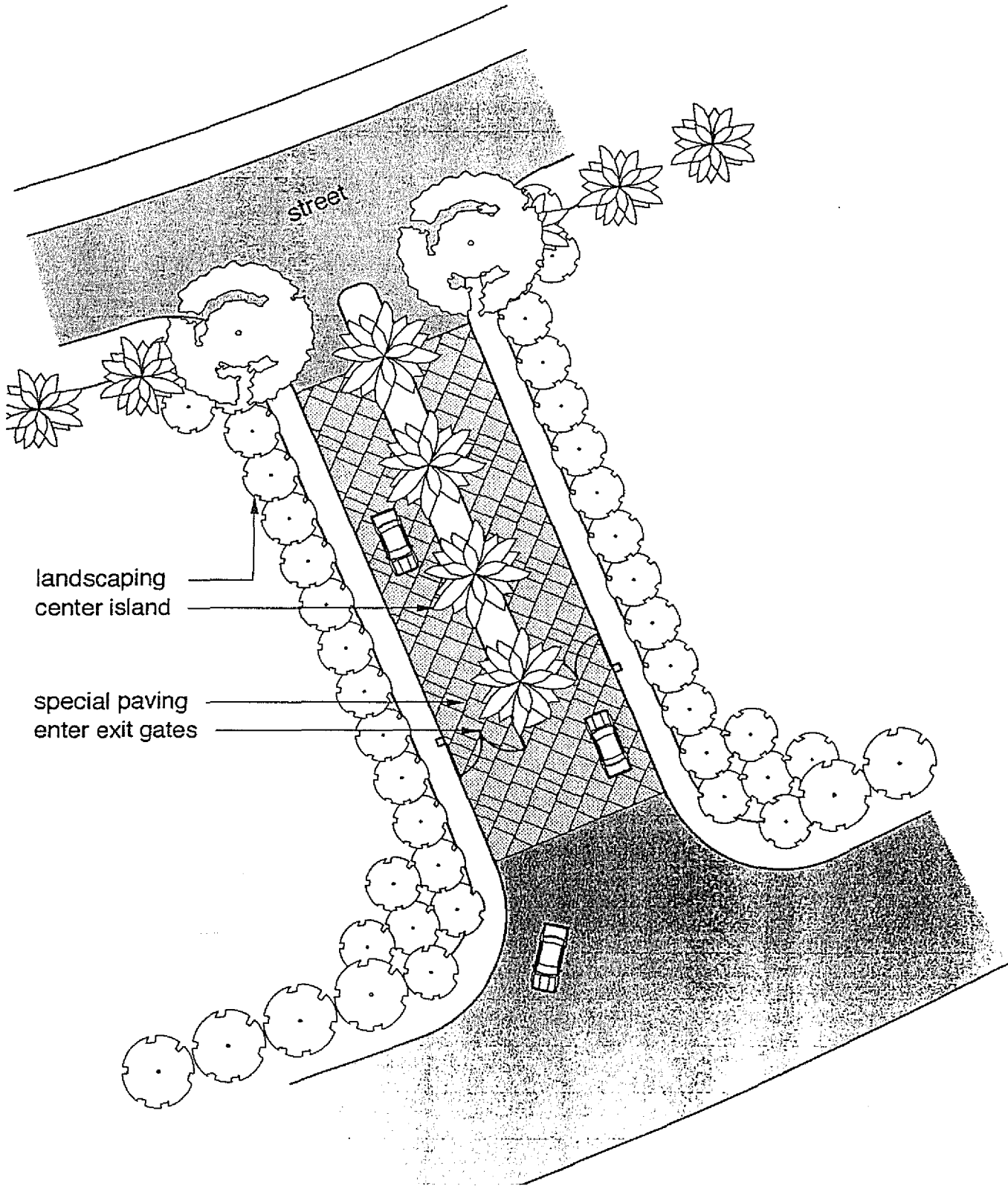


EXHIBIT 4



Figure 8: Project Entrance



landscaping
center island
special paving
enter exit gates

EXHIBIT 5

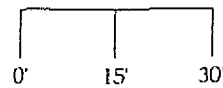


Figure 10: Street Court

Comment:

There are four street courts in the project and they serve a variety of purposes. They act as traffic calming devices, provide a hierarchy of landscaped spaces in the streetscape, and reinforce the concept of a pedestrian oriented street.

(See Figure No. 2, page 10-3 for street court location in project)

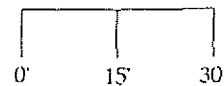
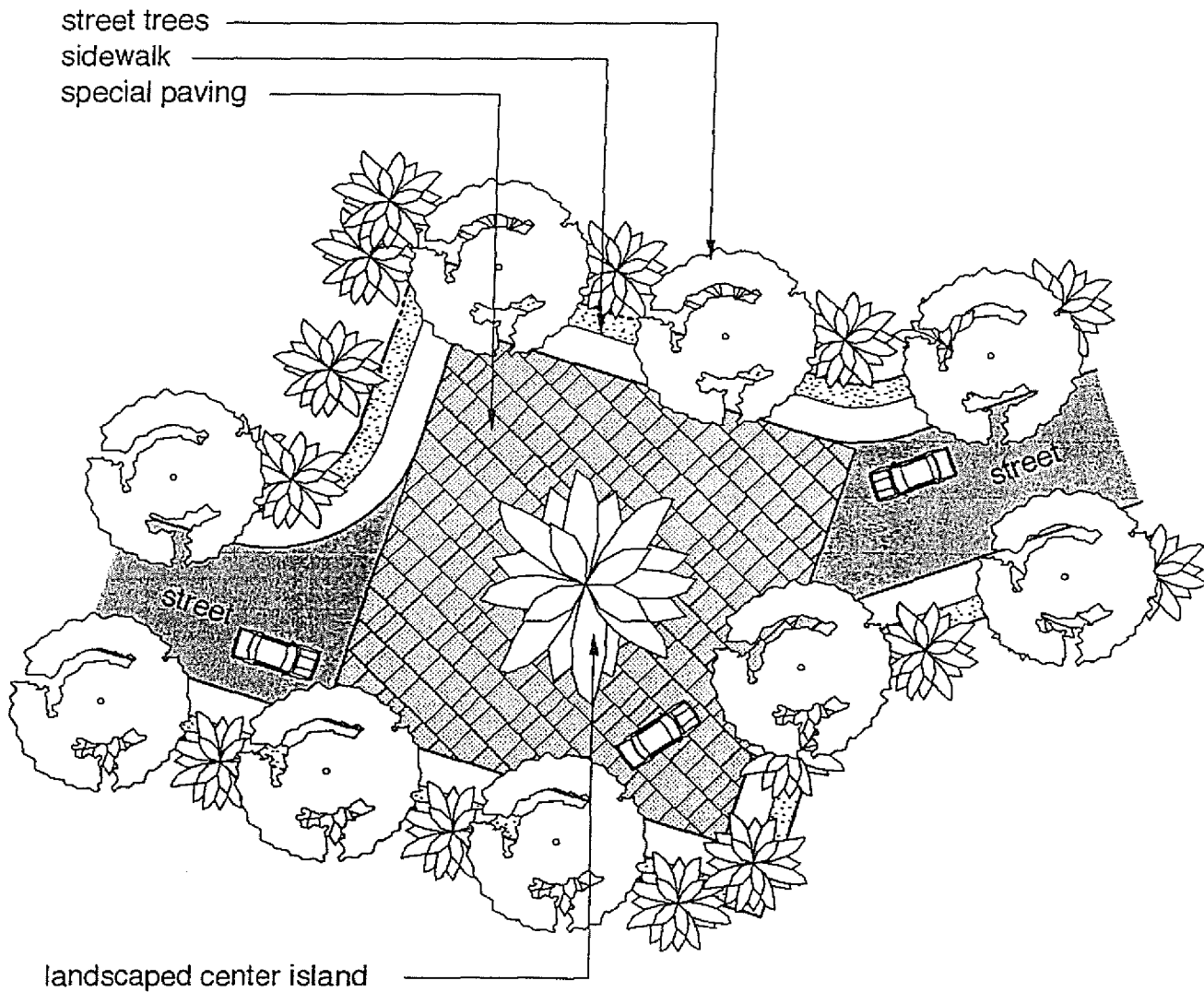


Figure 9: Street Character

Comment:

The central theme of the street design is the provision of landscaping and the use of street trees to create a sense of spatial enclosure. The landscaping will create an intimate spatial environment at the street that will encourage pedestrian activities and social communication.

