

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
Phone (808) 961-8288 • Fax (808) 961-8742

July 28, 2003

Mr. Yasuhiro Hirayama
Kona Lani Farm
P.O. Box 390657
Kailua-Kona, HI 96739

Dear Mr. Hirayama:

PLANNED UNIT DEVELOPMENT APPLICATION (PUD 03-03)

Applicant: Kona Lani Farm

Landowner: Kona Lani Farm

Tax Map Key: (3) 7-9-003: 007

After reviewing the information submitted with the Planned Unit Development Application, the Planning Director hereby approves Planned Unit Development (PUD) No. ** to allow the development of a 5-lot agricultural subdivision and related improvements within the Agricultural-5 acre (A-5a) zoned district. Approval of PUD No. ** includes the granting of a Variance from the minimum building site area of the Zoning Code, Chapter 25, Hawaii County Code. The subject property is located along the eastern (mauka) side of the old Government Road (Hooper Villa Road) approximately 400 feet north from its intersection with the old Mamalahoa Highway and Kuakini Highway near Teshima's Restaurant, Kuamo'o, North Kona, Hawai'i, TMK: 7-9-003: 007. 69

FINDINGS:

1. Yasuhiro Hirayama is President of Kona Lani Farm and has authorized the filing of this Application for a Planned Unit Development.
2. In accordance with Section 25-5-74 of the Zoning Code, the proposed agricultural lots is a permitted use under the existing Agricultural-5 acre (A-5a) zoning of the property. The total land area of this PUD is 28.578 acres. Therefore, the proposed 5-lot agricultural subdivision will not exceed the maximum unit density permitted by the Zoning Code. Lot sizes, should this PUD be approved, will range from approximately 3.0 acres to 10.082 acres. Four of the five parcels to be created will meet the minimum building site area of 5 acres. 69

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3. Access to the property from Kuakini Highway and the old Mamalahoa Highway is from an old Government Road (Hooper Villa Road) that maintains a right-of-way width of approximately 30 feet.
4. To accommodate an adjoining property owner located adjacent to the east of the subject property, the applicant wishes to establish an access easement over one of the proposed lots to provide the neighboring landowner with access to the proposed subdivision roadway. According to the applicant, the neighboring landowner has legal access along an access pole that runs along the northern boundary of the subject property, but has a portion that is too steep to negotiate. The access easement being requested would allow the neighboring landowner to wind around this steep portion, returning to the access pole for the remainder of its access.
5. The requested access easement will be located in the vicinity of proposed Lot 2-B. The applicant intends to sell Lot 2-B, and is concerned about the marketability of the parcel over which an access easement has been established in favor of an adjoining landowner. The applicant, through this PUD, wishes to encumber the access easement within Lot 2-A, a parcel they intend to retain, by increasing its size while reducing the size of Lot 2-B to 3 acres.
6. An application to subdivide the 28.578-acre parcel into 5 lots was submitted on June 28, 2001. On December 12, 2001, Variance No. 1240 was issued to allow for the proposed subdivision without the need to meet the minimum water and roadway requirements of the Subdivision Code. Variance No. 1240 was issued to allow the proposed subdivision to be serviced by a private water system that will be connected to a 1-inch County master water meter. A 5,000 gallon water tank and transmission pipeline will connect each of the proposed lots. The applicant also requested that access to the individual lots be provided by a 16-foot wide paved road in lieu of the minimum 20-foot wide roadway required by the Subdivision Code. Other relief provided by the variance involved method of construction of the 16-foot wide road, maximum horizontal and vertical curves, and grades.
7. Tentative Subdivision Approval of the proposed 5-lot subdivision was issued on December 18, 2001, subject to conditions.

8. 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.**

According to the applicant, construction of improvements associated with the proposed subdivision are already underway. Approval of this PUD will require the applicant to amend the subdivision plat maps and continue its efforts to satisfy all of the requirements of Tentative Subdivision Approval issued on December 18, 2001.

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

Currently, the site of this PUD Application, zoned Agricultural –5 acres (A-5a), is consistent with the General Plan LUPAG Map designation of Low Density Urban, which is single family residential in character, ancillary community and public uses, and convenience type commercial uses.

In addition, approval of this PUD will compliment a goal of the General Plan to “Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural and physical environments of the County.” The proposed PUD will not increase unit density nor change the use from that currently permitted by the Zoning Code. The proposed PUD is simple: allow for the reduction of the minimum lot size of one parcel from the required minimum of 5 acres to 3 acres to provide an adjoining property owner a safer means of access to the old Government Road. This simple request will not compromise the tenant principles of the General Plan nor its goals, policies and courses of actions for this section of North Kona.

- 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 granting of this PUD will not increase the maximum unit density within the subject property from the current 5 parcels permitted by the Zoning Code. Four of the five proposed parcels will still maintain minimum lot sizes of at least 5 acres, consistent with its A-5a zoning. To allow one parcel to maintain a smaller lot size than permitted by the Zoning Code but still of sufficient size to promote agricultural use of the subject property will not be disruptive to the character of the subject property or surrounding area, which maintains a mix of lot sizes as small as one acre. While the subject property and adjoining lands are still agricultural in nature, the affected area is situated within an area designated as Low Density Urban by the General Plan. Urban types of uses in the immediate vicinity include Kona Coffee Villas on the opposite side of the old Government Road and the town of Honalo just south of the intersection of Kuakini Highway and the old Mamalahoa Highway.

- 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, through the reduction in minimum building site area for just one parcel, will foster a sense 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. This PUD request is predicated upon the need of an adjoining landowner to safely access its lands utilizing an easement over a portion of the subject property. The severe slopes along a portion of an access pole leading to the adjoining lands makes it practical to accept reasonable deviations from the minimum requirements of the Zoning Code to accomplish a greater benefit; the availability of safer access.

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 Variance to the minimum requirements of the Zoning Code are hereby granted to include:

- a. Section 25-5-74 – Minimum Building Site Area to allow for a minimum lot size of 3.0 acres for Lot 2-B. All other parcels within the proposed subdivision shall maintain a minimum lot size of 5.0 acres.

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 proposed 5-lot Planned Unit Development shall be developed in a manner as substantially represented within the Planned Unit Development application dated April 15, 2003.
- D. Final Subdivision Approval of the proposed 5-lot Planned Unit Development shall be secured no later than July 28, 2005, unless an extension of time is granted by the Planning Director as provided by Condition G.

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- 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,

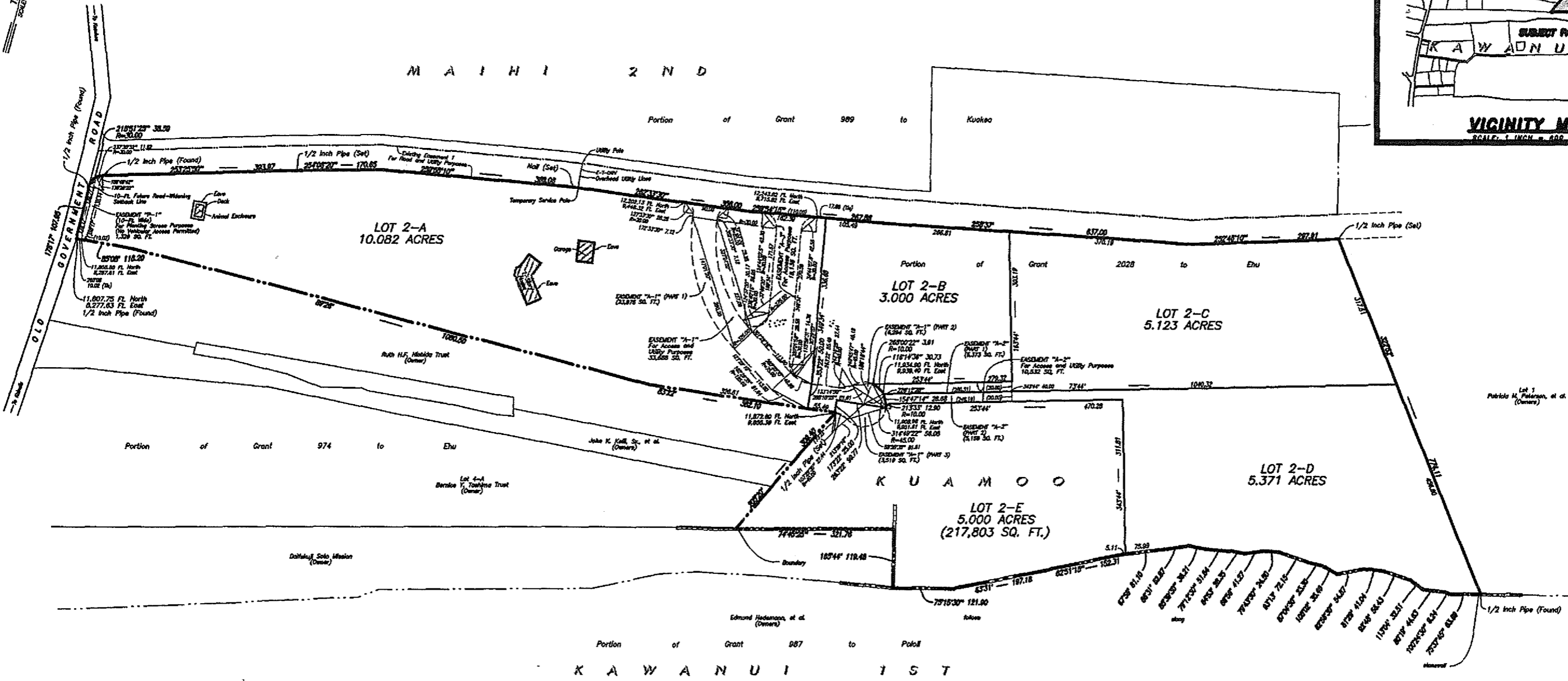
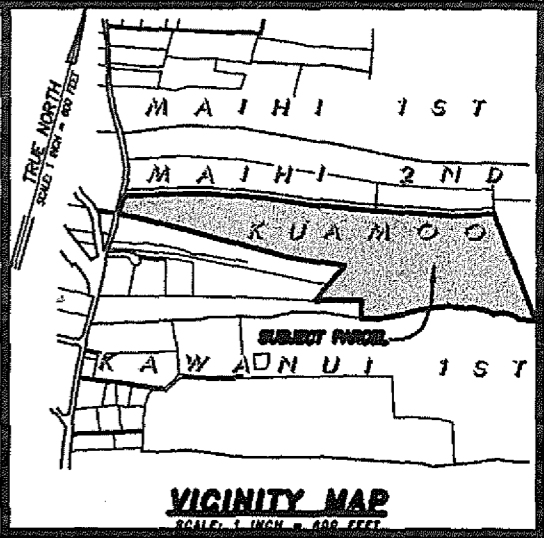
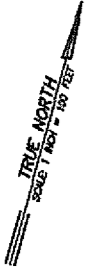


CHRISTOPHER J. YUEN
Planning Director

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xc: Department of Public Works, Engineering (Hilo and Kona)
Subdivision Section – Subdivision No. 2001-078
West Hawaii Planning Office



"KONA LANI FARM"
AN AGRICULTURAL PLANNED UNIT DEVELOPMENT
 MAP SHOWING
 SUBDIVISION OF LOT 2
 Being a Portion of Grant 2028 to Ehu
 INTO LOTS
 2-A, 2-B, 2-C, 2-D AND 2-E
 At Kuamoo, North Kona
 Island and County of Hawaii, State of Hawaii

- NOTES:**
1. Azimuths and coordinates are referred to Government Survey Triangulation Station "PUU OHAI".
 2. Names of owners of adjoining parcels are from available Tax Map records.
 3. The features, shown hereon, were located by an actual survey on the ground done between March 27, 2000, April 5, 2000 and on March 1, 2002.
 4. Subject Parcel is located in Zone X (areas determined to be outside the 500-year flood plain) as per Flood Insurance Rate Map (F.I.R.M.) Community-Panel Number 155166 0941 C, revised September 16, 1998.

Prepared For:
YASUHIRO HIRAYAMA (OWNER)
 P.O. Box 390637
 Kailua-Kona, Hawaii 96739

Prepared By:
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This map was prepared by me or under my direct supervision.
Christal Thomas Yamasaki
 Christal Thomas Yamasaki
 Licensed Professional Land Surveyor
 State of Hawaii Certificate Number LS-4331

PROJECT NO.:01711.3
 DATE:JUNE 26, 2001
 FIELD BOOK NO.:1096 AND 1144
 TAX MAP KEY:7-9-03-07 (3RD DIMENSION)

