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Mayor



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Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

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November 18, 2003

Mr. John R. Stevens
President
Westpro Development, Inc.
P.O. Box 2808
Kailua-Kona, HI 96745

Dear Mr. Stevens:

**PLANNED UNIT DEVELOPMENT APPLICATION (PUD 03-06)
PLANNED UNIT DEVELOPMENT PERMIT NO. 70**

Applicant: Westpro Development, Inc.
Landowner: Westpro Development, Inc.
Tax Map Key: (3) 7-3-010: 047, 048, 049 & 50

After reviewing the information submitted with the Planned Unit Development Application, the Planning Director hereby approves Planned Unit Development (PUD) No. 70 to allow the development of a 190-lot single family residential subdivision and related improvements within the Single Family Residential (RS-10), Multiple Family Residential (RM-4) and Neighborhood Commercial (CN-10) zoned districts. Approval of PUD No. 70 includes the granting of certain specified Variances from various roadway standards of the Subdivision Code, Chapter 23 and minimum front yard setback requirements of the Zoning Code, Chapter 25, Hawaii County Code. The subject properties, consisting of approximately 68.257 acres, is located adjacent to and south of Kona Palisades Subdivision, approximately 4,700 feet east (mauka) of the intersection of Ka'imini Drive and Queen Ka'ahumanu Highway at Kalaoa 5th, North Kona, Hawaii, TMK: 7-3-010: 043, 048, 049 & 050.

Project Objectives

According to the applicant, the proposed 190-lot single-family residential subdivision to be called "Lokahi" will be a "master-planned, affordable, pedestrian-friendly residential community" that will be developed in a manner that "reflects the island's unique Hawaiian culture, as well as its natural environment. It is also intended to function and encourage a sense of community or neighborliness among its occupants." In addition, the applicant states that

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“...the subdivision layout and the homes would be designed in a manner so that greater personal interaction among neighbors would be encouraged, while maintaining a greater sense of open space. The open space would be enhanced by the development of a community park, which would not only provide active and passive recreational opportunities for homeowners and the broader community, but foster greater interaction among neighbors. Then, too, significant archaeological features on the site will be preserved and integrated into the Lokahi community. Then, too, a related objective is to create a pedestrian-friendly project. This will be somewhat achieved through the streetscape and roadway system. There will be a landscaped entry, circular roads, and modified sidewalk system. To accomplish these goals and the goal of affordable housing, there will have to be some deviations from certain development standards. As discussed below, these deviations, however, should not significantly compromise public health and safety.”

In short, the variances granted herein and conditions of approval are intended to support the following objectives represented by the applicant:

Reduce development costs to deliver a portion of the lots or house and lot package within an affordable range (affordable to household incomes up to 140% of the County median);
Provide a pedestrian-friendly streetscape with landscaping, “natural” pathways as alternatives to paved sidewalks, paved sidewalks on at least one side of the street to accommodate the disabled, elderly, strollers, or others that require a smooth hard surface, and reduced traffic speeds through narrower pavements and tighter curves;
Provide a neighborhood park for recreation and informal gathering within walking distance;
Foster a sense of place by integrating archaeological features into the design of the neighborhood;
Minimize construction impacts to the existing neighbors; and
Encourage the energy-efficient house designs and programs discussed with the applicant.

Project Details

Authorized Agent. Westpro Development, Inc., owners of the subject properties and applicant of this PUD application, has authorized Sidney Fuke to file this PUD application.

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Permitted Uses and Density. In accordance with Sections 25-5-3(5), 25-5-32(10) and 25-5-102(14) of the Zoning Code, the proposed single-family residential lots is a permitted use under the existing Single Family Residential (RS-10), Multiple Family Residential (RM-4), and Neighborhood Commercial (CN-10) zoning of the subject properties, respectively. The total land area of this PUD is 68.257 acres. Therefore, the proposed 190-lot residential subdivision will not exceed the maximum residential unit density permitted by the Zoning Code. The proposed single-family residential lots will maintain a minimum lot size of no less than 10,000 square feet, which conforms to the minimum lot sizes required within the affected zoned districts.

Access. Access to the project area from the Queen Ka`ahumanu and Mamalahoa Highways is provided by Ka`iminani Drive, a County collector roadway with a pavement width of 20 feet within a 60-foot wide right-of-way. Access from Ka`iminani Drive to the subject properties will be provided by the extensions of both Kakahiaka and Kapuahi Streets as well as a new roadway to be constructed at the western (makai) end of the subject properties. The extension of the existing Kapuahi Street to the south is established within an approximately 120-foot wide right-of-way to accommodate the future Mid-Level Road as identified within the Keahole to Kailua Development Plan. The County is not requiring the applicant to construct the Kapuahi Street extension in its entirety but will require some form of minimum roadway improvements to provide access between the proposed subdivision entry and the existing Kapuahi Street.

Site Plan. Other details of the proposed 190-lot Lokahi residential community include:

- a. Approximately 119 lots (*Lokahi Makai*) to be constructed on the makai side of the Kakahiaka Street extension and another 71 lots (*Lokahi Mauka*) to be constructed on its mauka side.
- b. An approximately 4-acre park site to be dedicated to the County that will include a covered pavilion with bathroom facilities, an open field for soccer and other activities, barbeque areas, and a 10 to 20-stall parking lot.
- c. At least two (2) archaeological preserves will be established, of which one would be located within the proposed park site.
- d. Landscaped features, with an emphasis on the use of native plants, at three (3) project entrances (with the exception of Kapuahi Street) as well as within the subdivision road rights-of-way.
- e. Circular roadways with a sidewalk section along one side of the street, and landscaped swales on both sides of the road (i.e., no curbs). The swales will be landscaped with native trees

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and either grassed or graveled with crushed rocks and native boulders. The landscaped portions of the roadways will be maintained by the homeowners association. No security gates are proposed.

Street Design. Applicant proposes two street types: Road Type A and Road Type B. Both street types have 50' rights of way and onstreet parking restricted to one side. Road Type A has a pavement width of 24' and applies to the circular road. Road Type B has a pavement width of 20' and applies to the cross streets and cul de sacs that have less traffic. Certain streets will intersect at 80° angles; however, the corner radii will be a minimum of 25'. Tighter horizontal curves are proposed at 125' designed for posted speed limits of 20 mph. The grades of all streets will not exceed 8%. All dead-end streets will have turnarounds.

Development Schedule. The applicant hopes to commence with the development of the *Lokahi* community immediately upon securing all necessary governmental approvals. Should these approvals be secured by the end of 2003, the applicant hopes that the first home will be available for occupancy by Spring 2004 with anticipated build-out by 2006 or sooner. *Lokahi Makai* will be developed initially in three phases. *Lokahi Mauka* will be constructed in two phases and will commence construction upon or nearing completion of *Lokahi Makai*-Phase I. The approximately 4-acre park will be developed in conjunction with the first phase of *Lokahi Mauka*.

Requested Deviations from the requirements of the County Zoning Code and Subdivision Code

Zoning Code, Section 25-5-7(a)(2)(A), 25-5-36(1), and 25-5-106(1) (Yard Setbacks) - Applicant requests a minimum front yard setback of 10 feet from the Homestead Road, in lieu of the minimum 20-foot front yard setback required within the RS and RM-zoned districts and minimum 15-foot front yard setback required within the CN-zoned district.

Subdivision Code, Section 23-50(a) (Grades and Curves) - Applicant requests that proposed streets maintain a minimum horizontal radius of 125 feet in lieu of the minimum 300 feet required by the Subdivision Code. In addition, the proposed streets will intersect at an angle of approximately 80 degrees, in lieu of the preferred 90 degrees.

Subdivision Code, Section 23-86 (Requirements for Dedicable Streets) and Section 23-95 (Right-of-way Improvements) - Since the Subdivision Code requires sidewalks only where the County Council specifies (§23-89), Standard Detail R-33 could apply to the project. However, deviations from R-33 and R-32 are discussed. With reference to R-33, Applicant's proposed pavement widths meet or exceed the minimum requirement of 20'. With reference to R-32, Applicant requests deviations from the minimum requirements for dedicable roadway standards

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which requires that Minor Streets and Cul-de-sacs be improved with a total pavement width of 32 feet with 2-foot wide curb and 7-foot wide sidewalk on each side of the road.

- a. Minor Street (Road Type A - circular roadway & main entry roadways) – 24 feet of combined pavement width with one side of the roadway containing a 3-foot grassed section, 3 ½-foot wide sidewalk, and a grassed or graveled swale 6 ½ feet in width. The other side of the road will have a grassed or graveled swale 13 feet in width.
- b. Cul-de-sac and Cross Streets (Road Type B) - 20 feet of combined pavement width with one side of the roadway containing a 3-foot grassed section, 3 ½-foot wide sidewalk, and a grassed or graveled swale 8 ½ feet in width. The other side of the road will have a grassed or graveled swale 15 feet in width. Although cul de sacs will have turnarounds, the turnaround may be offset within the right of way.

Applicant does not request deviations from the Subdivision Code requirements for right of way width, vertical curves, grades, cul de sac turnaround radii, and corner radii.

History of Subject Properties

Rezoning Conditions. Ordinance No. 91-22, as amended by Ordinance No. 98-66 (REZ No. 682), was adopted by the County Council effective March 15, 1991, which changed the district classification of approximately 125.41 acres, which includes the subject properties, from an Unplanned (U) to an RS-10, RS-15, RM-4 and CN-10 zoned districts to accommodate a then-proposed, 420+-unit single family and multiple family residential development and a neighborhood commercial center. Ordinance No. 98-66 includes the following conditions of approval:

- A. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval;
- B. The applicant shall consummate a water agreement to provide water for the remaining units with the Department of Water Supply within ninety days from the date of approval of the change of zone. The zoning of the property shall not be in effect until the agreement is consummated;
- C. The Single Family Residential zoned areas shall be subdivided in two increments. The first increment shall consist of a maximum of seventy-seven (77) residential lots based upon the units of water available and committed to the applicant by the Department of Water Supply. Subdivision plans for the second increment shall be submitted only after the Department of Water Supply grants to the applicant the necessary water commitments

for each of the proposed lots of the second increment. No variance from the minimum water requirements for any portion of the subject property shall be granted.

- D. In conjunction with the submittal of plans for subdivision review or plan approval review, a master plan of the subject property shall be filed with the Planning Director. The master plan is intended to provide comprehensive design principles and guidelines for the development of the commercial and residential areas in a manner consistent with infrastructural requirements and the surrounding area. Final subdivision approval or Final Plan Approval for any portion of the subject property shall be secured within five years from the effective date of this amendment.
- E. Construction of the proposed development within the Neighborhood Commercial zoned area and Multiple Family Residential area of the subject property shall be completed within five years from the date of receipt of Final Plan Approval for any portion of the subject property;
- F. A drainage system shall be constructed meeting with the requirements of the Department of Public Works in conjunction with final subdivision approval or Final Plan Approval for any portion of the subject property;
- G. The main access road and interior subdivision roads to be dedicated to the County shall meet with the approval of the Department of Public Works. Further, as may be required by the Department of Public Works, the existing north-south roads of the Kona Palisades Subdivision shall be extended through the proposed development. Additionally, prior to occupancy permits for any multi-family development the subdivision road shall connect to Kaiminani Drive below the community center. Pending the completion of said subdivision road, if deemed appropriate by the Department of Public Works, a construction road to accommodate construction traffic associated with on-site infrastructural work shall be constructed from the makai end of the subject property to the actual area of development;
- H. A Solid Waste Management Plan for the subject property shall be submitted for review and approval to the Department of Public Works in conjunction with the submittal of subdivision plans or plan approval to the Planning Director.
- I. An archaeological data recovery and mitigation/interpretation plan shall be submitted for review and approval by the Planning Department, in consultation with the Department of Land and Natural Resources, Historic Preservation Division (DLNR-HPD), prior to submitting preliminary subdivision plans for any portion of the subject property or prior to any land alteration activity, whichever occurs first;

- J. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the 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;
- K. Restrictive covenants in the deeds of all the proposed residential lots within the subject property shall prohibit the construction of a second dwelling unit on each lot. A copy of the proposed covenant(s) to be recorded with the Bureau of Conveyances shall be submitted to the Planning Director for review and approval prior to the issuance of Final Subdivision Approval. A copy of the approved covenant shall be recited in an instrument executed by the applicant and the County and recorded with the Bureau of Conveyances for any portion of the subject property. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.
- L. To ensure the Goals and Policies of the Housing Element of the General Plan are implemented, the applicant shall comply with the requirements of Chapter 11, Article 1, Hawaii County Code, relating to Affordable Housing.
- M. A minimum of four acres to be set-aside within the area for active park uses. The park shall be kept in private ownership and maintenance until such time that the applicant intends to dedicate it to and with the acceptance of the County. The location and configuration shall be determined at the time of submittal of the master plan described in Condition (D) herein. Minimum improvements shall be provided for the park area prior to issuance of occupancy permit for any development within the RM zoned area or prior to receipt of Final Subdivision Approval of the second increment for the Single Family Residential (RS) zoned area, and/or prior to the dedication to the County, whichever occurs first. The minimum improvements shall include, but not be limited to, grading and grassing which meet with the approval of the Directors of the Planning Department and the Department of Parks and Recreation. Until such time that the park is dedicated to and accepted by the County, there shall be adequate assurance, as determined by the Corporation Counsel, for the maintenance of the private park by recorded covenant running with the land which shall include the following:
- 1) Obligate the subdividers, purchasers, occupants, or association in the subdivision to maintain the private park in perpetuity; and
 - 2) Empower the County, through the Director of the Department of Parks and Recreation, to enforce the covenants to maintain the private park, authorizing the

performance of maintenance work by the County in the event of failure by the subdividers, purchasers, occupants, or association in the subdivision to perform such work and permit the subjecting of the land and properties in the subdivision to a lien until the cost of the work performed by the County has been reimbursed;

- N. Comply with all other applicable laws, rules, regulations and requirements, including those of the State Land Use Commission;
- O. Should the Council adopt a Unified Impact Fee Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may, at the developers' election, be satisfied by the performance in accordance with the requirements of the Unified Impact Fees Ordinance;
- P. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the change of zone. The report shall address the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required;
- Q. An 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 change of zone.
 - 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); and
 - 5) If the applicants should require an additional extension of time, the Planning Director shall submit the applicants' request to the County Council for appropriate action.

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- R. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate rezoning of the area to its original or more appropriate designation.

Relationship to the Original Development Plan. Only a portion of the originally proposed development has been established with the 35-lot Pu`uhonua Estates Subdivision situated mauka of the subject properties. The balance of the original 125.41-acres was then subdivided into bulk parcels, of which two were purchased by the applicant and are part of this PUD application.

Master Plan. As required by Condition D, a Master Plan for the entire 125.41-acre original project site was accepted by the Planning Director on October 12, 2001 in compliance with Condition D. With the subdivision of the original 125.41-acre parcel into smaller bulk lots which are now being individually developed, the Planning Director has accepted the proposed *Lokahi* residential subdivision, as depicted in Figure 3 of the PUD application, as a Revised Master Plan for this 68.257-acre project site in continuing compliance with Condition D.

Pending Subdivision Application. Subdivision Application No. 2003-026 submitted by applicant on March 18, 2003 for the subdivision of a portion of the 68.257-acre project site into 48 lots ranging in size from just over 10,000 square feet to about 13,000 square feet (*Lokahi Makai-Phase I*).

FINDINGS

In accordance with requirements of Section 25-6-10 (Criteria for granting a PUD):

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's development schedule is reasonable. The Applicant proposes to begin construction of the subdivision immediately upon securing all necessary governmental approvals, or by the end of 2003 at the earliest. The first home will be available for occupancy by Spring of 2004 at the earliest, with anticipated build-out by 2006 or sooner.

The proposed development substantially conforms to the General Plan.

Currently, the site of this PUD Application, zoned Single Family Residential (RS-10), Multiple Family Residential (RM-4) and Neighborhood Commercial (CN-10) is consistent with the General Plan LUPAG Map designation of Urban Expansion, which allows for a mix of high density, medium density, low density, industrial and/or open designations in areas where new

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settlements may be desirable, but where the specific settlement pattern and mix of uses have not yet been determined.

In addition, the following General Plan Land Use element goals, policies and standards of action support the proposed Planned Unit Development:

- 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 Zone urban- and rural- types of uses in areas with ease of access to community services and employment centers and with adequate public utilities and facilities.
- o Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region and County.
- o The County shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.
- o Zoning requests shall be reviewed with respect to General Plan designation, district goals, regional plans, State Land Use District, compatibility with adjacent zoned uses, availability of public services and utilities, access and public need.

Approval of this request would also complement the following goals and policies of the Single Family Residential Element of the General Plan:

- 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 The County shall designate and allocate single-family residential zoned lands at varying densities for future use in accordance with the needs of the communities and the stated goals, policies and standards.
- o Areas shall have basic improvements and amenities necessary for immediate use.

Approval of this request would also contribute to a diverse socio-economic housing mix within the region. In this manner, the request would also complement the following goals and policies articulated in the Housing Element of the General Plan:

- o Attain safe, sanitary, and livable housing for the residents of the County of Hawaii.
- 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 Develop better places to live in Hawaii County by creating viable communities with decent housing and suitable living environments for our people.
- o Improve and maintain the quality and affordability of the existing housing stock.

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.

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.

According to the applicant, the proposed Planned Unit Development will be a “*master-planned, affordable, pedestrian-friendly residential community*” that will be developed in a manner that “*reflects the island’s unique Hawaiian culture, as well as its natural environment. It is also intended to function and encourage a sense of community or neighborliness among its occupants.*” In addition, the applicant states that “*...the subdivision layout and the homes would be designed in a manner so that greater personal interaction among neighbors would be encouraged, while maintaining a greater sense of open space. The open space would be enhanced by the development of a community park, which would not only provide active and passive recreational opportunities for homeowners and the broader community, but foster greater interaction among neighbors*”

The adjacent Kona Palisades Subdivision is designated Agricultural-5 acres (A-5a) by the County Zoning Code, but maintains an Urban District classification by the State Land Use Commission. This subdivision contains home sites at least 10,000 square feet in size, the same lot size as that being proposed within the proposed *Lokahi* residential community. Therefore, the proposed residential lots to be created under this PUD would be compatible with an adjoining and long-established subdivision. The proposed 190-lot subdivision will not exceed the maximum residential unit density permitted by its current RS-10, RM-4 and CN-10 zoning. With an area covering approximately 26 ½ acres, the RM-4 zoned area alone could conceivably permit a maximum of 290 residential units, far more than the 190 residential units being proposed by the applicant over the entire 68.257-acre project site. Condition K of Ordinance No. 98-66 prohibits the construction of ohana dwelling units on each residential lot. To preserve the single-family residential character within Lokahi subdivision as well as the adjoining Kona Palisades Subdivision, this PUD will place a one residential unit restriction on each proposed lot.

Through this PUD, the applicant is requesting relief from the minimum front yard setback from its Homestead Road boundary of 20 feet within the RS- and RM-zoned districts and 15 feet within the CN-zoned district. To accommodate the configuration of certain parcels within the subdivision that are situated along the Homestead Road, the applicant is proposing a minimum front yard setback of 10 feet. All other parcels within the proposed subdivision will be required to comply with standard yard setbacks typical of the RS-10 zoned district of 20 feet from its front and rear property boundaries and 10 feet from its side property boundaries. These setback requirements will apply even to those lots that are in the RM or CN districts. The front yard setback of 20' is especially significant to reduce the need for onstreet parking (a standard length of sedan is 16' so a driveway within the frontyard setback would enable parking of one or two vehicles in front of the garage without encroaching into the right of way).

Homestead Road is a 50-foot wide right-of-way. As a potential collector road accommodating mauka-makai traffic within the area, a 5-foot wide road-widening setback along both sides of the Homestead Road is necessary to accommodate its eventual widening to a 60-foot wide collector roadway. Secondly, no access onto this Homestead Road from any of the proposed lots will be permitted. Any front yard setback will be taken from the road-widening setback. Therefore, a reduction of 10 feet from the standard front yard setback of 20 feet for parcels to be situated along the Homestead Road will not significantly compromise the open-space character of the subdivision or have an adverse effect upon the character of the surrounding area, especially when taking into account the 5-foot wide road widening setback and access restrictions. These requirements will be made a condition of this PUD Permit.

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

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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 surrounding community. Relief from requirements of the Subdivision Code applicable to minimum requirements for dedicable streets, right-of-way improvements, and intersection angles will minimize the physical and visual impact on the existing character of the area. The proposed PUD is a development of a harmonious, integrated whole that 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.

The applicant has promoted the *Lokahi* residential community as “pedestrian friendly”. This concept may be questioned when recognizing that the applicant wishes to place sidewalks only along one side of roadways within the proposed subdivision. The sidewalks themselves are proposed at half of its typical 7-foot width. But one needs to consider the various roadway design concepts being applied to fully realize the “pedestrian friendly” design of the internal subdivision roadways. For example, a circular roadway system instead of a linear roadway design will encourage lower vehicular speeds. A more narrow travel lane profile of 20 to 24 feet in lieu of the standard 32-foot width will also promote lower vehicle speeds.

Standard Detail R-34 specifies a 2-foot wide vertical curb between the travel lanes and sidewalk to provide a physical barrier between traffic and pedestrians. Pedestrian safety should not be compromised. However, pedestrian safety can be accommodated by means other than a vertical curb. Approval of this PUD will allow the applicant to construct subdivision roadways that provide for onstreet parking along that side fronting the sidewalk. This parking lane between the travel lane and sidewalk will provide a physical separation between moving vehicles and pedestrians.

Approval of this PUD will allow for 20 to 24-foot wide pavement widths, 3-foot wide grassed and gravel shoulders, 4-foot wide sidewalks, and 6 to 8-foot wide grass and gravel swales. The other side of these roadways not fronting a sidewalk will remain as specified by the applicant within its PUD application.

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The Department of Public Works recommends that proposed lots not directly access the Kakahiaka Street extension. However, individual lot access is common along the existing Kakahiaka Street in Kona Palisades Subdivision. At a width of only 40 feet, Kakahiaka Street functions as a local street, which normally permit individual lot accesses. Unlike existing sections of Kakahiaka and Kapuahi Streets, the proposed extension of both streets within the subject properties will be improved with curb, gutter and sidewalk improvements to accommodate pedestrian and vehicular movements between the *Lokahi Subdivision* and Kona Palisades Subdivision. The proposed extension of Kakahiaka Street, a 50-foot right-of-way, will be permitted to maintain a half-street profile of 16-foot wide pavement, 2-foot wide vertical curb, 4 feet of sidewalk, and a 3-foot wide planting strip. The applicant has offered to establish an additional 10-foot wide landscaping easement within properties along both sides of Kahahiaka Street to further enhance the streetscape and perceived width of this roadway.

As recommended by the Department of Public Works, dead end roads will be required to provide for proper turn-arounds such as "T" or circular turn-arounds.

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:

SUBDIVISION CODE:

Road rights-of-way of 50 feet in width are planned. Pavement to be 20 feet to 24 feet wide with sidewalks along only one side of roadway. These roadways will have grass or gravel shoulders and drainage swales. Variances to the minimum requirements of the Subdivision Code are hereby granted to all roadways within the proposed *Lokahi* subdivision, exclusive of Kakahiaka and Kapuahi Streets, and shall include:

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Section 23-50(a) – Grades and Curves

Horizontal curve of 125 feet permitted in lieu of standard 300-foot horizontal curve along the circular roadway at design speed not to exceed 20 mph (see Exhibit B). No variance granted for grades.

Section 23-45 – Intersection angles; corner radius

Intersection of streets at minimum 80 degrees in lieu of preferred 90-degree angle permitted (see Exhibit A). No variance for minimum corner radius.

Section 23-86 - Requirements for Dedicable Streets and
Section 23-95 - Right-of-way Improvement

- a. Minor Street (Road Type A - circular roadway & main entry roadways) – 24 feet of combined pavement width with one side on-street parking with one side of the roadway containing a 3-foot wide planting strip, 4-foot wide sidewalk, and a grassed and graveled swale 6 feet in width. The other side of the road will have a grassed or graveled swale 13 feet in width (see Exhibit B).
- b. Cul-de-sac and Minor Street (Road Type B) - 20 feet of combined pavement width (12-foot wide travel lane/8 foot wide parking) with one side of the roadway containing a 3-foot wide grass/gravel shoulder, 4-foot wide sidewalk, and a grassed or graveled swale 8 feet in width. The other side of the road will have a grassed and graveled swale 15 feet in width (see Exhibit C). Cul de sacs shall have a turnaround with a minimum 30' radius to the pavement edge, but may be offset within the right of way.
- c. Kakahiaka and Kapuahi Streets to be extended and improved with a minimum pavement width of 32 feet with vertical curbs, 3-foot wide planting strip, and 4-foot wide sidewalk on both sides of the street. A 10-foot wide landscaping easement shall be established along both sides of all proposed residential lots fronting the extension of Kakahiaka Street (see Exhibit D).

ZONING CODE

Variations to the minimum requirements of the Zoning Code are hereby granted to allow a 10-foot wide yard setback from a 5-foot wide road-widening setback for those parcels within the proposed *Lokahi* Subdivision to be situated along the Homestead Road, and shall include (see Exhibit A):

Section 25-5-26(a)(2)(A) – Minimum Yards within the RS-zoned district

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Minimum Front Yard Setback of 10 feet from Homestead Road 5-foot wide road widening setback in lieu of minimum 20-foot wide yard setback

Section 25-5-36 - Minimum Yards within the RM-zoned district

Minimum Front Yard Setback of 10 feet from Homestead Road 5-foot wide road widening setback in lieu of minimum 20-foot wide yard setback

Section 25-5-106(1) – Minimum Yards within the CN-zoned district

Minimum Front Yard Setback of 10 feet from Homestead Road 5-foot wide road widening setback in lieu of minimum 15-foot wide yard setback

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.

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.

The proposed 190-lot Planned Unit Development shall be developed in a manner as substantially represented within the Planned Unit Development application entitled Revised Application for Planned Unit Development (PUD) Westpro Development, Inc. dated April 2003, with certain limitations as detailed and conditioned within this PUD Permit.

Restrictive covenants in the deeds of all the proposed lots within the Planned Unit Development shall give notice that the terms of this Planned Unit Development Permit shall prohibit the construction of a second dwelling unit and condominium property regimes on each lot. A copy of the proposed covenants to be recorded with the Bureau of Conveyances shall be submitted to the Planning Director for review and approval prior to the issuance of Final Subdivision Approval for Phase I. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.

Construction plans consistent with this PUD approval shall be reviewed and approved by the Department of Public Works and shall include details of a thickened pavement edge where no

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curbs are provided (to resist pavement edge unraveling), traffic signage such as speed limits and parking restrictions, landscaping plans that require no or minimum irrigation (in the event the County has to takeover maintenance), and profiles to demonstrate that grade does not exceed 8% in areas where no curbs are provided. Where grades exceed 8%, the Applicant and DPW shall determine the best remedy in the course of construction plan review. Kakahiaka Street shall be bonded or completed between Kaiminani Street and at least up to the Lokahi Makai mauka entry prior to Final Subdivision Approval of Phase I. Kapuahi Street shall be bonded or completed between Kaiminani Street and at least up to the Lokahi Mauka mauka entry prior to Final Subdivision Approval of that phase of the subdivision located adjacent to the Kapuahi Street alignment. Tentative Subdivision Approval for subsequent phases shall determine the construction timing for the completion of the Kakahiaka Street and Kapuahi Street extensions.

Prior to the issuance of Final Subdivision Approval for *Lokahi Makai* subdivision -Phase III, a roadway shall be bonded or constructed at the western (makai) end of the *Lokahi Makai* subdivision that will connect to Ka`imi`nani Drive below the existing community center. This roadway extension shall be constructed, at a minimum, to dedicable roadway standards within a 50-foot wide right-of-way for that portion aligned in a mauka-makai direction and a 60-foot wide right-of-way for that portion oriented in a north-south direction leading to Ka`imi`nani Drive. The tentative subdivision approval for Phase I shall specify the requirements for a temporary construction road.

Applicant shall be responsible for ADA compliance for the sidewalks.

The acceptability for dedication of the streets are subject to a maintenance plan for the portions of the right of way beyond the pavement edge approved by the Planning Director and engineer's certification of the safety of the horizontal curves and intersections. Applicant shall declare its intent to dedicate and meet the aforementioned conditions prior to construction plans approval for Phase I.

Access and turning movements onto the alignments of the proposed Main Street (located makai of Lokahi Makai subdivision) and the Mid-Level Road (Kapuahi Street extension) are subject to the approval of the Department of Public Works. Access and turning movements onto the proposed Main Street and Mid-Level Road may be restricted or modified at any time as deemed necessary and appropriate by the Department of Public Works

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Construction plans for the park shall be subject to the approval of the Department of Parks and Recreation.

A 5-foot wide road widening easement shall be established along the entire length of the Homestead Road fronting the subject properties. No access to the Homestead Road will be permitted from the individual lots within the proposed *Lokahi* Subdivision.

Proper turn-arounds shall be provided at the ends of dead-end roadways within the proposed subdivision servicing more than two lots.

Minimum yard setbacks for proposed lots within the *Lokahi* subdivision, with the exception of those lots fronting the Homestead Road, shall be 20 feet for the front and rear yards and 10 feet for the side yards. Lots fronting the Homestead Road shall comply with these minimum yard setbacks, with the exception of a 10-foot wide minimum yard setback from the 5-foot wide road widening easement along the Homestead Road.

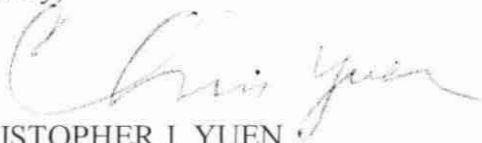
The applicant shall comply with all other applicable rules, regulations and requirements, including those requirements specified by Ordinance No. 98-66 or its amendment thereto.

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.

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.

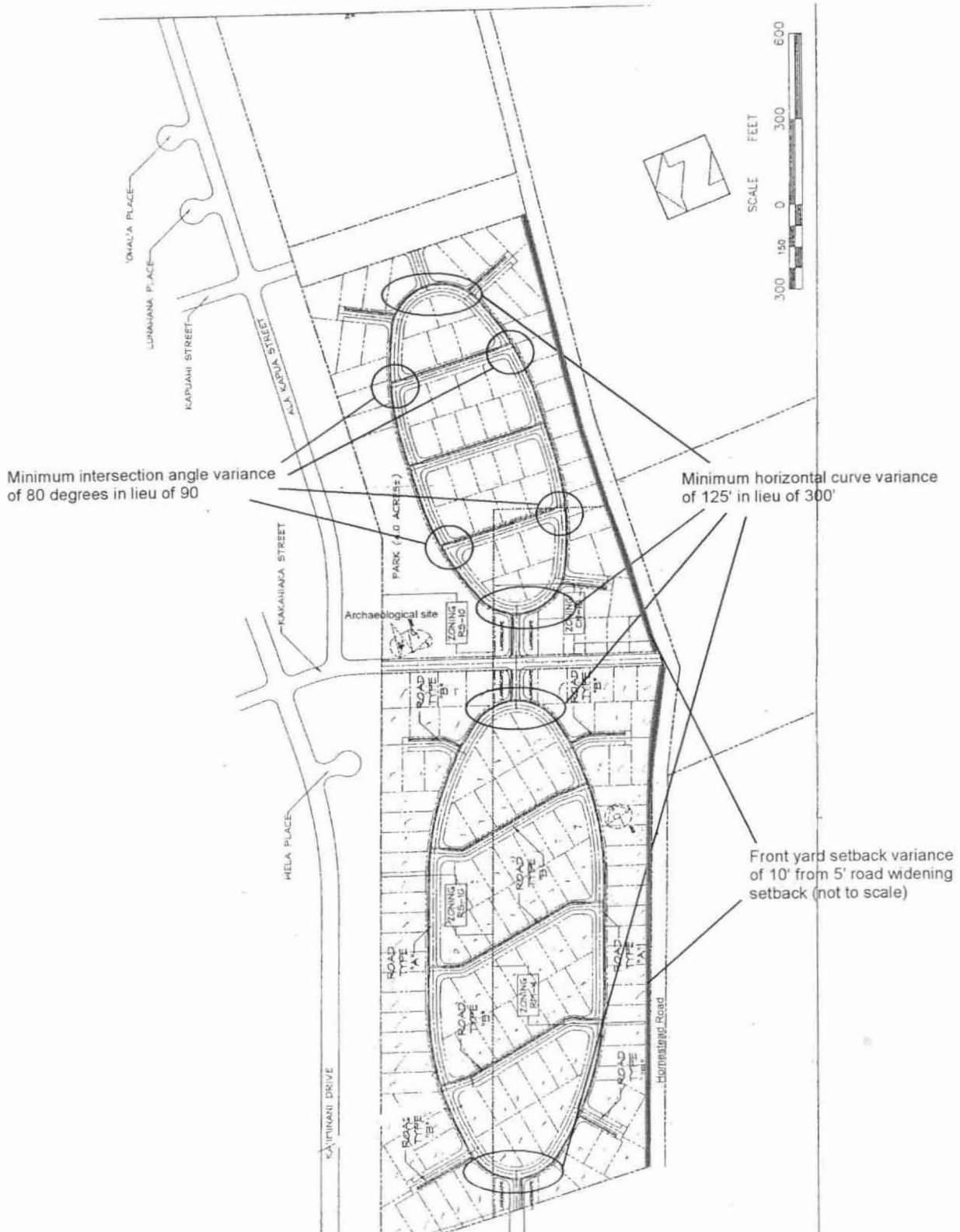
Sincerely,


CHRISTOPHER J. YUEN
Planning Director

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xc: Department of Public Works, Building Division
Department of Public Works, Engineering (Hilo and Kona)
Department of Water Supply
Subdivision Section – Subdivision No. 2003-026
West Hawaii Planning Office
Kona Palisades Homeowners Association
c/o E.F. Gianotti, P.O. Box 4368, Kailua-Kona, 96740

EXHIBIT A



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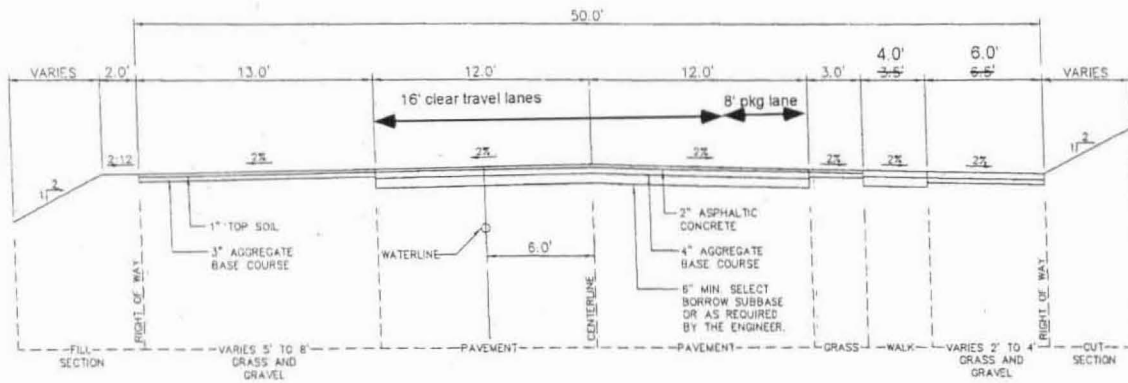


EXHIBIT B

Details subject to approval by DPW during construction plans review.

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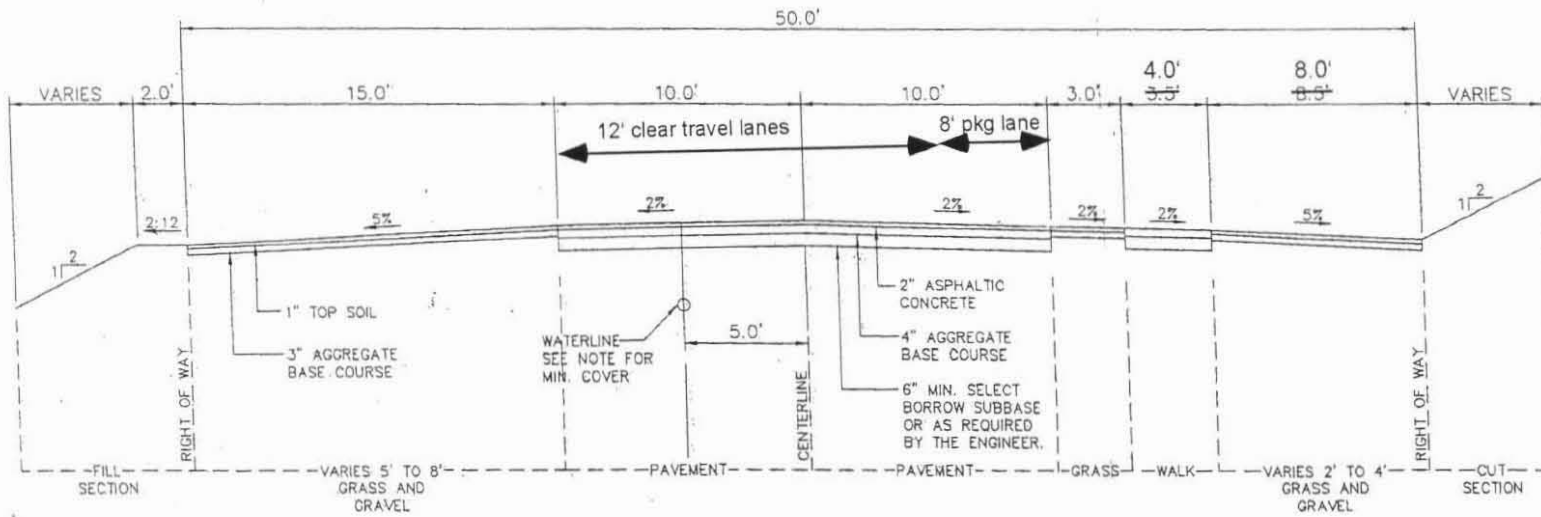


EXHIBIT C

Details subject to approval by DPW during construction plans review.

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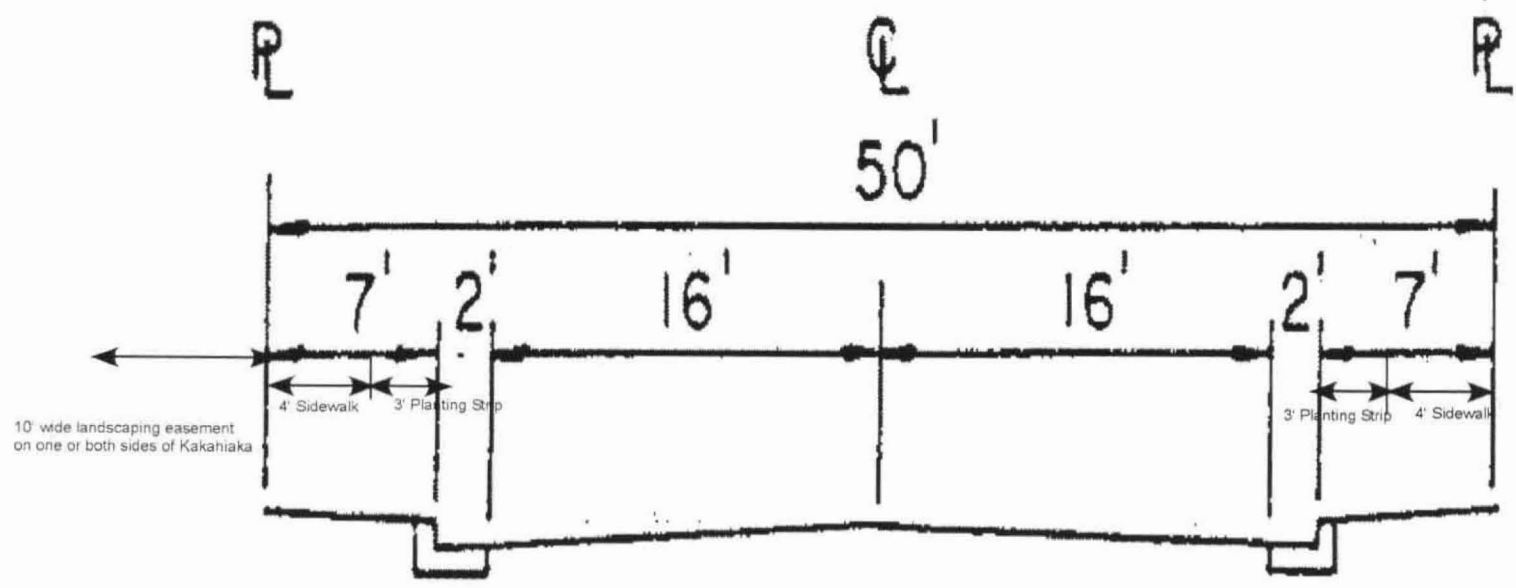


EXHIBIT D