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Mayor



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County of Hawaii

PLANNING DEPARTMENT

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August 1, 2005

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

Dear Mr. Riehm:

PLANNED UNIT DEVELOPMENT APPLICATION (PUD 2005-01)

Applicant & Consultant: Riehm Owensby Planners Architects

Landowner: Greater Pacific, LP

Tax Map Key: (3) 7-8-010: 069, 095 por., 096 por.

After reviewing the information submitted with the Planned Unit Development Application, the Planning Director hereby approves Planned Unit Development (PUD) No. 2005-01 to allow the development of a 41-lot single family residential subdivision and related improvements within the Multi-Family Residential (RM-2) zoned district. Approval of PUD No. 2005-01 includes the granting of Variances from various roadway standards of the Subdivision Code, Chapter 23 and minimum lot size, average width, and various yard setback requirements of the Zoning Code, Chapter 25, Hawaii County Code. The subject property is located in the Keauhou resort area at Keauhou 2nd, North Kona, Hawaii.

FINDINGS

1. **Authorized Agent.** Greater Pacific, LP has authorized Riehm Owensby Planners Architects as its authorized representative to apply, execute and process any and all applications and to participate in proceedings related to this application.
2. **Project Description.** The project is an upscale oceanfront residential subdivision in a resort area. The project consists of 41 single family residential lots, landscaped common open spaces, and streetscape with trees, traffic calming measures, and other pedestrian-friendly design features. The developer will provide house/lot packages and thereby control the

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coordinated placement and design of the houses. The project site is Lot 3-A-1 resulting from a consolidation and resubdivision approved on December 14, 2004 as SUB 7897 (new TMKs not assigned yet so the TMK parcels cited in the application do not match the project site). A nonsignificant zone change approved the adjustment of zoning boundaries to follow the resubdivided property boundaries so that the entire project site is in the RM-2 zoning district (NZA 04-03 approved on February 18, 2005).

3. **Permitted Use and Density; Consistency with General Plan.** In accordance with Section 25-5-32 of the Zoning Code, the proposed single-family residential lots is a permitted use under the existing Multi-Family Residential (RM-2) zoning of the property. The total land area of this PUD is 8.622 acres (per final plat map of SUB 7897). The maximum density on this project site for a multi-family development (attached or multi-story) is 187 units. However, if subdivided into lots as proposed for this project, the minimum building site area in the RM district is 7,500 s.f. Therefore, the maximum number of lots on this project site is 50; with an allowance of 20% for roadways, the number of developable lots is about 40 lots. With only one unit proposed for each lot, the proposed 41-lot residential subdivision may be substantially less than the maximum residential unit density of 186 units permitted by the Zoning Code, but the number of lots is at the maximum permitted. Proposed lot sizes range from approximately 5,200 square feet to 9,500 square feet. The proposed use is consistent with the General Plan LUPAG designation of Resort Node, which is intended for areas that include "a mix of visitor-related facilities such as hotels, condominium-hotels . . . , single family and multiple family residential units. . . ." (General Plan, February 2005, reformatted as §14.1.1).
4. **Reasonable Project Time Period.** Developer plans to start construction immediately upon receipt of approvals and anticipates approximately 2 years for full build-out.
5. **Compatibility with Neighboring Uses.** The proposed project is lower in density and therefore compatible with the 2-story timeshare developments to the north of the project site. The existing Keauhou golf course wraps the project site on all other sides.
6. **Access.** Access to the property is from a private "driveway" that traverses through the adjoining timeshare to the north and connects to Kaleiopapa Street, a County road. Kaleiopapa connects to Alii Drive.

VARIANCES APPROVED

The master plan proposes a harmonious, integrated whole that justifies the following exceptions to the normal requirements of the Zoning and Subdivision Codes, subject to the conditions set forth at the end of this letter:

Zoning Code Variances:

1. **Minimum Street Frontage (§25-4-30) (Variance Request #1).** The minimum building site average width in the RM district is 60' (§25-5-35). The applicable minimum street frontage is 50% of the 60', which is 30' for this project, except for lots at the end of cul de sacs or flag lots, which is a minimum of 15'. Based on the master plan, the only lot that requires this variance is the flag lot for the common area. The pole of this flag lot is 10' wide. This pole is intended as a pedestrian way rather than an access road. This variance to the minimum street frontage is limited to this common area lot on the condition that the pole is used as a pedestrian way and not an access road.
2. **Minimum Building Site Area (§25-5-34); Minimum Average Width (§25-5-35) (Variance Requests #2, 8).** The minimum building site area in the RM district is 7,500 s.f. The proposed lot sizes range from 5,200 to 9,500 s.f. Given that the master plan coordinates the setbacks through the siting and floor plan of each house, a minimum lot size of 5,200 s.f. is acceptable. The minimum building site average width in the RM district is 60'. A proportionate reduction of the average width of a 5,200 s.f. lot compared to a 7,500 s.f. lot would result in a minimum width of approximately 40'. Since all lots shown on the master plan exceed 40', the minimum width shall be as substantially shown on the master plan attached as Exhibit A.
3. **Yard Requirements (§25-4-40 (general requirements for yards and open spaces), §25-4-40 (permitted projections into yards and open spaces), §25-4-42 (corner building sites), §25-5-36 (minimum yards in RM)) (Variance Requests #4, 5, 7, 10).** The minimum yards in the RM district are: 20' front and rear, 8' side yard for one-story and 10' for two-story structure. The master plan offsets the footprint of the homes to one side of the lot so that the distance between the homes is substantially equivalent to the 16' to 20' that would result from the code requirements. The proposed 12' front and 15' rear yards for most of the lots are comparable to the code requirements for the RS district with lots less than 10,000 s.f. (15' front and rear). The approved yards shall be as shown on the table attached as Exhibit B. Trellises, attached or detached to the house at any height, may project any distance into the wider side yard to provide shade for landscaped outdoor courtyards, as shown in Exhibit C.
4. **Perimeter Fences or Walls and Accessory Structures (§25-4-43) (Variance Request #6).** The zoning code requires any opaque perimeter fence or wall over 6' in height to meet setback requirements. This code requirement applies only to free-standing walls and not retaining walls; retaining walls can be whatever height required for its retaining function. This variance is granted for the entry walls. The permitted projection of other accessory structures into the front, rear, or side yards shall be as permitted through the CCR's, provided such CCR's clearly absolve the County from any disputes between neighbors relating to such structures.

Subdivision Code Variances

1. **Minimum Right-of-Way and Pavement Widths (§23-41) (Variance Request #13).** The Subdivision Code requires minor or cul de sac streets to have a minimum right-of-way width of 50' with 20' pavement width (without curb/gutter/sidewalks) or 32' (with curb/gutter/sidewalk). The proposed street layout consists of a minor road and one cul de sac. The design objective of the proposed street section is to reduce traffic speed and create a more intimate neighborhood through a narrower right-of-way with street trees, traffic calming islands, and special pavement markings at intersections. Acknowledging the anticipated low traffic volume in this project and that the roads will remain privately owned and maintained, a variance is approved for a minimum 36' wide right-of-way with 20' pavement with grass shoulders (no curbs, gutter, or sidewalk) in accordance with Exhibit D. Because of the low traffic volume and reduced speed, pedestrians will share the roadway with the vehicles. The 36' wide right-of-way allows for 8' shoulders that could accommodate onstreet parking. The Subdivision Code allows a private dead-end road serving 4 to 6 lots to have a 20' right-of-way with 16' pavement; therefore, no variance is required for the proposed 24' wide dead-end road.
2. **Corner radius (23-45) (Variance Request #14).** The Subdivision Code also requires a minimum corner radius of 20' at the right-of-way lines for right angle intersections. The proposed corner radius at the right-of-way lines is 12', which is intended to slow the speed of turning vehicles and reduce the crossing distance for pedestrians. Given the reduced traffic volume, overall design to reduce speed, and that fire trucks are able to accommodate the turning curves by swinging out to the opposing lane or even onto the curbless shoulders, this variance is approved at a minimum of 12' radius measured at the right-of-way line for the two T-intersections and the loop turn.
3. **Cul de sac turnaround (23-48) (Variance Request #15).** The Subdivision Code gives the director discretion to permit other than circular turnarounds if it meets the requirements of the situation. The master plan shows a square-shaped turnaround that can fit a 45' radius circle; therefore, this turnaround is approved. The master plan also shows an "access lane" serving two lots that extends from the turnaround. This access lane is approximately 75' in length which is short enough for firefighters to extend the hose from a fire truck parked in the turnaround, or to drive onto the access lane since it is wide enough at 24' to accommodate a fire truck.
4. **Street lights (23-93) (Variance Request #17).** The Subdivision Code requires the installation of street lights within the subdivision that meet County specifications. Since the roads will be private, a variance is approved to allow custom street lights. However, if the Department of Public Works requires a street light at Kaleiopapa Street at the time of subdivision, this street light shall meet County specifications.

5. **Street Name and Traffic Signs (23-94) (Variance Request #18).** The Subdivision Code requires street and traffic signs to meet County specifications. Since the roads will be private, this variance approves custom street and traffic signs within the subdivision. Street name signs shall be erected at each intersection.
6. **Right-of-Way Improvement (23-95) (Variance Request #19).** The Subdivision Code requires the entire right-of-way to be improved. This variance allows the right-of-way to be developed as shown on Exhibit D.

Although the petitioner requested the following variances, they are not necessary for the reasons given below:

- **Reduction of Building Site Below Minimum Area (Variance Request #3).** This provision of the Zoning Code applies only to existing lots.
- **Block Sizes (Variance Request #11).** The block size provision of the Subdivision Code applies to grid layouts, and is not applicable to this type of pocket or cul de sac type of layout.
- **Lot Side Lines (Variance Request #12).** The master plan shows all side lot lines at nearly right angles to the street, so no variance is required.
- **Intersection angles (Variance Request #14).** The Subdivision Code requires streets to intersect at right angles, or no less than 60 degrees where topography requires a lesser angle. Since the proposed layout shows right angle intersections, no variance is required.
- **Cul de sac length and number of lots (Variance Request #15).** Although the project has only one entrance and could thereby be interpreted as a cul de sac, this interpretation would mean other developments like Waikoloa or Mauna Lani are large cul de sacs. These types of projects remind us of the need to design for connectivity and contingent emergency access. Nevertheless, the Subdivision Code defines a "cul de sac" as a "street with only one end open to traffic", and allows for a more liberal interpretation when the street layout is taken segment by segment. In the proposed layout, the segment from the entrance to the loop and each segment of the loop are open on both sides to traffic. The only cul de sac serves 5 lots (lots 16 through 20) and is very short.
- **Grades and Curves (Variance Request #16).** The petitioner was not specific as to how this request applied to the master plan.

CONDITIONS

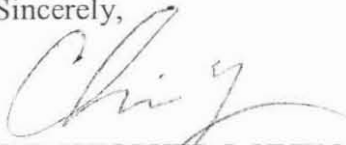
The Planning Director approves the Planned Unit Development subject to the following conditions:

- A. **Approval and Conditions Run with the Land.** The applicant, its successors or assigns be responsible for complying with all of the stated conditions of approval.
- B. **Indemnification.** 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. **Subdivision Approval.** Subdivision approval shall be subject to the following conditions:
1. **Conformance with Master Plan.** The final plat map shall show the building footprints and setbacks as substantially represented in the master plan attached as Exhibit A, and include a certification by the applicant, surveyor, or architect on the final plat map of such conformance.
 2. **Street Name, Traffic Signs and Markings, and Other Intersection Improvements.** All streets, including the access road connecting to Kaleiopapa Street, shall be named. The street name sign at the intersection of Kaleiopapa, as well as any other intersection improvements including street light if required, shall meet the requirements of the Department of Public Works.
 3. **Construction Plan Review by Fire Department.** Besides the Department of Public Works and Department of Water Supply, the construction plans shall also be submitted to the Fire Department for review.
 4. **Legal Rights over Access Road.** The subdivision application shall include evidence of legal rights over the access road connecting to Kaleiopapa Street.
 5. **Water Use Calculations.** The subdivision application shall include water use calculations, as requested by the Department of Water Supply's comments to this PUD application, in order for the tentative approval conditions to clearly set forth the Department of Water Supply's requirements for final subdivision approval. The calculations shall include all proposed water uses, such as domestic, landscaping, swimming pools, water features, and other uses.
- D. **Building Permits Approval.** Building permits shall be subject to the following conditions:
1. The siting of the residences and garages shall substantially conform to the master plan attached as Exhibit A.
 2. Building Code requirements for setbacks or distances between structures shall supersede any yard variances granted by this PUD.

- E. **Conditional Annual Report.** If full buildout is not completed within three years from the date of this PUD approval, an annual progress report shall be submitted to the Planning Director prior to the fourth 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 full buildout.
- F. **Time Extension.** The Zoning Code requires permit approvals to be used within two years (§25-2-7). This PUD shall be deemed "used" upon final subdivision approval. 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

DSA:pak

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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. 2002-056
West Hawaii Planning Office

Attached Exhibits:

- Exhibit A: Master Plan (lot layout); Master Plan (house and garage locations)
- Exhibit B: Approved Yards
- Exhibit C: Typical Lot Site Plan Showing Projections into Side Yards
- Exhibit D: Street Sections

Exhibit A: Master Plan

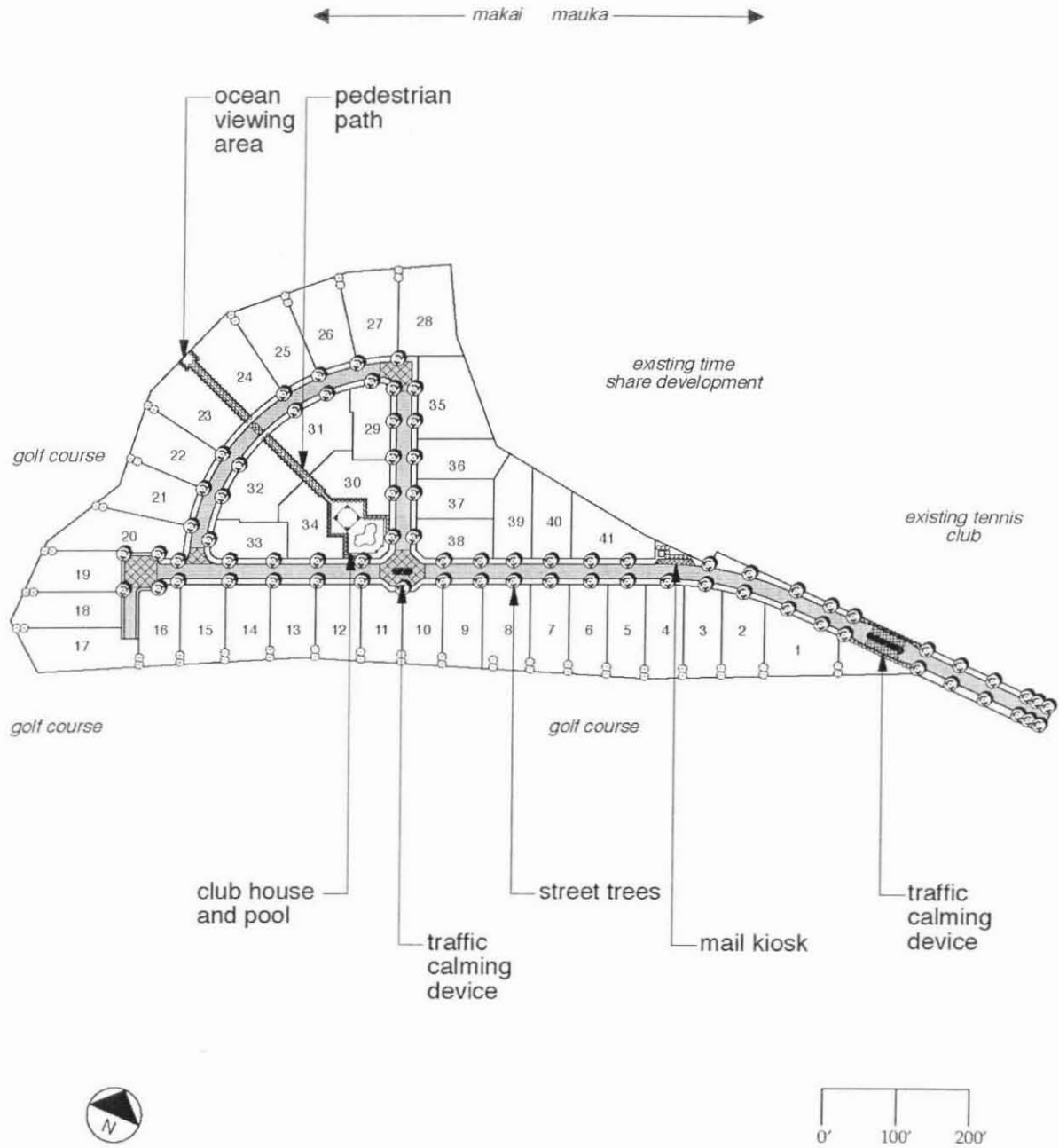


Exhibit A (cont.) Master Plan—House & Garage Locations Per Approved Setbacks

Note
Below are the homes and garages located on each lot
per the setbacks as requested in the PUD Application.



Exhibit B: Approved Yards

Lot #	RM Zoning Reqmt (ft)			Approved (ft)				Application	Comments
	Front	Rear	Side	Front	Rear	Side R	Side L	Page	
1	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8	8-27	2' front and 4' side for attached or detached garage
2	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
3	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
4	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
5	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
6	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
7	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
8	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
9	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
10	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-29	2' front and 4' side for attached or detached garage
11	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-29	2' front and 4' side for attached or detached garage
12	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
13	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
14	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
15	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
16	20	20	8 (1story), 10 (2 story)	12,8,4	15	4	8/4	8-29	2' front and 4' side for attached or detached garage
17	20	20	8 (1story), 10 (2 story)	12/2	15	4	15	8-29	2' front and 4' side for attached or detached garage
18	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
19	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
20	20	20	8 (1story), 10 (2 story)	12/2,4	15	8/4	4	8-31	2' front and 4' side for attached or detached garage
21	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
22	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
23	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
24	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
25	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
26	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
27	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
28	20	20	8 (1story), 10 (2 story)	12/2,4	15	8/4	4,15	8-32	2' front and 4' side for attached or detached garage
29	20	n/a	8 (1story), 10 (2 story)	12/2	n/a	4	4,8	8-34	
30	20	20	8 (1story), 10 (2 story)	4,2	4	4,8	4	8-34	
31	20	20	8 (1story), 10 (2 story)	12/2	4	8/4	4	8-34	
32	20	20	8 (1story), 10 (2 story)	12/2	4	8/4	4	8-34	
33	20	n/a	8 (1story), 10 (2 story)	12/2	n/a	4	4,8	8-34	
34	20	20	8 (1story), 10 (2 story)	4,2	4	4,8	4	8-34	
35	20	20	8 (1story), 10 (2 story)	12/2	15	4	4	8-32	2' front and 4' side for attached or detached garage
36	20	20	8 (1story), 10 (2 story)	12/2	5,8	4	8/4	8-32	2' front and 4' side for attached or detached garage
37	20	20	8 (1story), 10 (2 story)	12/2	15	8/4	8/4	8-28	2' front and 4' side for attached or detached garage
38	20	n/a	8 (1story), 10 (2 story)	12/2	12	8/4	4	8-33	
39	20	20	8 (1story), 10 (2 story)	12/2	8	8/4	4	8-35	
40	20	20	8 (1story), 10 (2 story)	12/2	8	8/4	4	8-35	
41	20	20	8 (1story), 10 (2 story)	12/2	8	4	4	8-35	
rec	20	n/a	8 (1story), 10 (2 story)	6	n/a	6	6	8-36	

Exhibit C: Typical Lot Site Plan Showing Projections into Side Yards

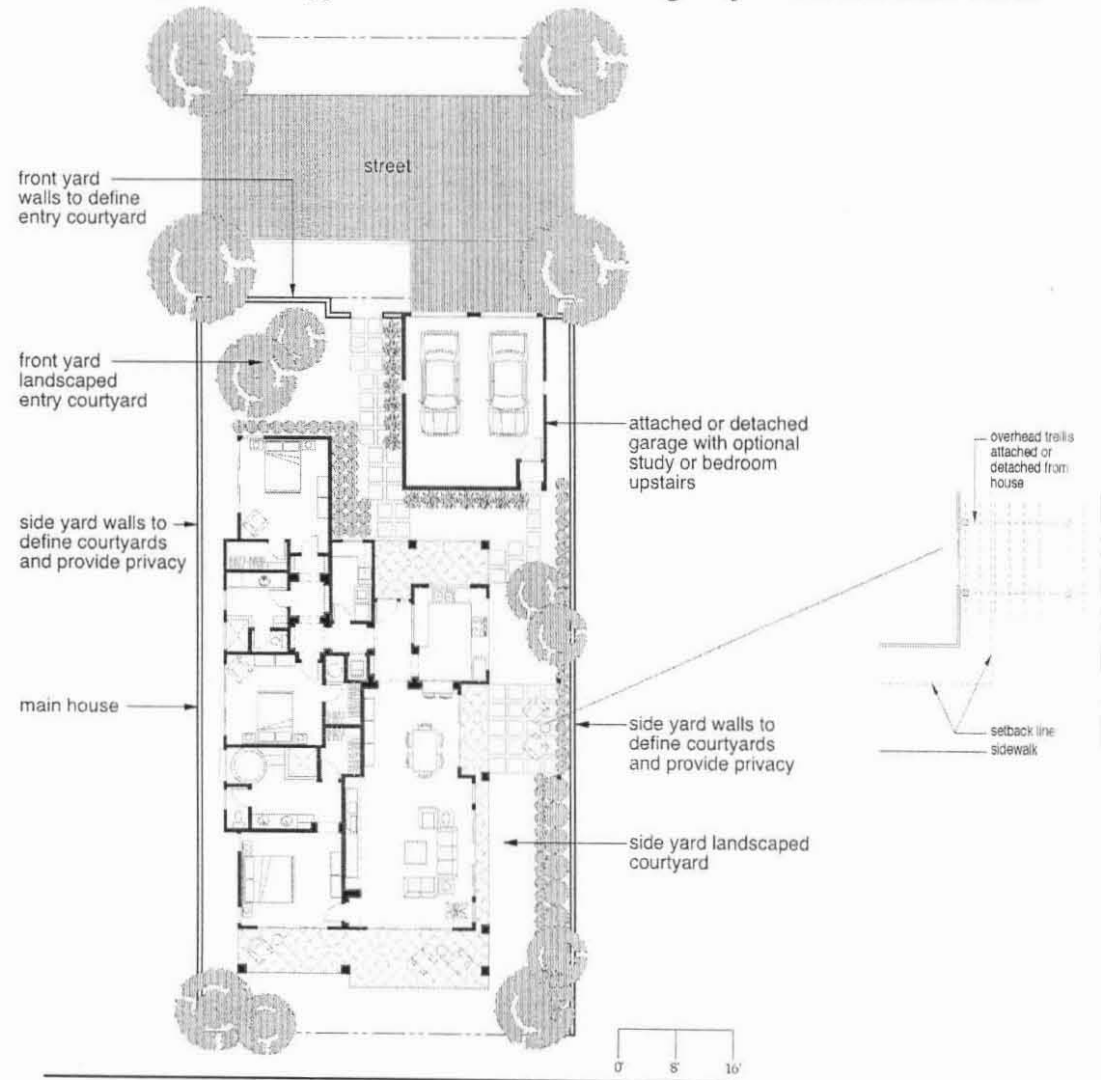


Exhibit D: Approved Street Sections

