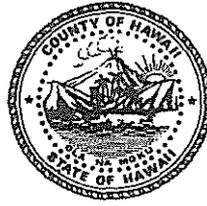


Harry Kim  
Mayor



Christopher J. Yuen  
Director  
Brad Kurokawa, ASLA, LEED™ AP  
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

January 24, 2007

Mr. Michael J. Riehm, A.I.A.  
Riehm Owensby Planners Architects  
P.O. Box 390747  
Kailua-Kona, HI 96739

Dear Mr. Rhiem:

#### **PLANNED UNIT DEVELOPMENT PERMIT NO. 05-000005 (PUD 05-000005)**

**Applicant:** Riehm Owensby Planners Architects, Michael J. Riehm, A.I.A.

**Landowner:** Royal Ali'i, LLC / Doug Tonokawa

**Project:** "Royal Ali'i" – a 19-lot subdivision

**Location:** TMK: 7-7-004: 057 & 058; Kaumalumalu, North Kona, Hawai'i

After reviewing the information submitted with the Planned Unit Development Application, the Planning Director hereby approves the requested amendments to allow the development of a master planned community called "Royal Ali'i" on land consisting of a total of approximately 5.493 acres. This PUD addresses variances for minimum building site area and widths, roadways improvements, minimum yard setbacks, and lot configuration.

#### **BACKGROUND**

##### **Project Location**

The subject properties (TMK: 7-7-004: 057 & 058), hereinafter referred to as "Property", comprises two lots consisting of approximately 3.158 (Parcel 57) and 2.335 acres (Parcel 58) that are located within the district of North Kona, along the mauka side of Ali'i Drive near the entrance to the Ho'omalua on Ali'i Subdivision and across the street from 'Alohi Kai Subdivision. The Property is situated approximately 3 miles south of the town of Kailua-Kona at an elevation of approximately 10 to 20 feet. The Property will be accessed off of Ali'i Drive.

### **Land Use Designations**

The Property is situated within the State Land Use Urban District and currently designated for Medium Density Urban uses by the County General Plan, Land Use Pattern Allocation Guide (LUPAG) Map. The County zoning designation for the entire property, which was established in 1967 by the adoption of the North Kona District Zone Map, is Single Family Residential-7,500 square feet minimum lot size (RS-7.5). Based on the simple application of a required 7,500 square feet minimum lot size across the 5.493-acre Property, approximately 31 lots could be accommodated within the subject property. However, anticipating that roughly 20 percent of the subject property must be dedicated to supporting roadway and drainage systems, a more realistic lot count is probably in the neighborhood of 24 lots. Through this PUD application, the Applicant is proposing a total of 19 lots to be accomplished by the applications of the requested variances. As part of this PUD application, the Applicant is proposing lots that will range in size from 5,246 to 10,177 square feet. With the approval of this PUD application, and taking into consideration that the overall permitted density of the Property will not be exceeded by the proposed project, we find that the proposed subdivision will be consistent with the requirements of the Zoning Code and the land use policies of the General Plan. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map establishes the basic urban and non-urban form for areas within the County. The project area is designated Medium Density Urban by the LUPAG map. The Medium Density Urban designation includes village and neighborhood commercial and single family and multiple family residential and related functions. Thus, the proposed development would be consistent with the LUPAG Map designation.

### **Compatibility with Neighboring Uses**

The Property is situated within an area designated for Urban uses by both the State Land Use Commission and the County. Lands immediately adjacent and surrounding the Property to the north, south and east (mauka) are designated for Agricultural uses by both the State and County. The Project, with lot sizes ranging from 5,246 to 10,177 square feet, is atypical of lots within this area located mauka of Ali'i Drive. But directly across Ali'i Drive is 'Alohi Kai Subdivision, a 15-lot subdivision with lots at least 10,000 square feet in size on lands zoned for Resort (V) uses. Secondly, single and multiple family residential uses straddle both sides along most of Ali'i Drive. This particular area along Ali'i Drive, unlike most of its remaining alignment, still retains an Agricultural land use designation and has not yet transitioned into the urban-types of uses which have occurred over the years both to the north and south of the Property. We find that the proposed 19-lot Royal Ali'i subdivision and the variances being requested by this PUD application would be compatible with the overall land use pattern being established within this particular section of North Kona.

## **Related Applications and Approvals**

July 21, 2006 – Planning Commission approves Special Management Area Use Permit application (SMA 05-000007) to allow for the proposed 19-lot subdivision of the Property, which is situated within the County's Special Management Area (SMA). SMA Use Permit No. 05-000007 was approved subject to the following conditions of approval:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval of this permit.
2. Final Subdivision Approval shall be secured within five (5) years from the effective date of this permit.
3. The applicant shall provide a 5-foot wide road widening setback along the Alii Drive frontage and dedicate it to the county at no cost upon request by the Department of Public Works. The applicant shall provide a widened shoulder along the Alii Drive frontage, extending to the right-of-way property line, if required by and meeting with the approval of the Department of Public Works. Provide pavement widening, transitions, signs and markings, drainage improvements and relocation of utilities, as required by the Department of Public Works.
4. Install street lights, signs and markings, meeting with the approval of the Department of Public Works, Traffic Division.
5. Access to Alii Drive, including the provision of adequate sight distances, shall meet with the approval of the Department of Public Works.
6. Any vehicular security gate shall be installed more than 40 feet from the Alii Drive right-of-way with a turnaround on the Alii Drive side of the gate.
7. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
8. The proposed development shall connect to the County sewer system.
9. Comply with Chapter 11-55, Water Pollution Control, Hawaii Administrative Rules, Department of Health, which requires an NPDES permit for certain construction activity.
10. During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawaii.
11. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawaii County Code.

12. An Archaeological Data Recovery Report shall be submitted for the review and approval of the Department of Land and Natural Resources - State Historic Preservation Division (DLNR-HPD). A copy of the approved final report shall be submitted to the Planning Director prior to the submittal of plans for subdivision review or the issuance of any land alteration permits, whichever occurs first.
13. Prior to Final Subdivision Approval, a metes and bounds survey of the Judd Trail shall be prepared by a licensed surveyor to locate the Judd Trail in the vicinity of the subject property from Alii Drive to a point near the southeast corner of the applicant's property. The survey shall be submitted to the Planning Director. Subject to the approval of the State, the applicant shall stabilize the existing remnants of the Judd Trail, which shall consist of stabilizing the stone walls and removing invasive plants. Upon request of the State, the applicant shall quitclaim to the State any portions of the Judd Trail that are within their property boundaries. A 10-foot wide buffer easement shall be established along the southern boundary of the property not in the preservation area as a "no build" buffer zone.
14. The archaeological features on the western or makai portion of the project site, as identified in the approved preservation plan, shall be preserved and made a part of the project's open space buffer from Alii Drive. The open space buffer shall be a 10-foot buffer easement for no building purposes, other than for the reconstruction and restoration of the Judd Trail wall. The two burial sites (Feature 8021: A and Site 23556) shall be preserved "as is." A landscaping buffer shall be placed surrounding the burial sites, and the burial sites shall be incorporated into the project's landscaping/open space feature. Access to the burial sites' descendants shall be allowed, consistent with the requirements of the Archaeological Burial Treatment Plan approved by the DLNR-HPD.
15. Should any undiscovered 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 mitigation measures have been taken.
16. The U.S. Department of Army Corps of Engineers shall be contacted to identify whether a Federal Permit (including a Department of Army permit) is required for this project. The Planning Director shall be notified in writing as to whether such permit is required for the development of the project.
17. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
18. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of this permit. The report shall include, but not be limited to, the status of the development and extent to which the conditions of approval are being satisfied. This condition shall remain in effect until all of the conditions of approval have been satisfied and the Planning Director acknowledges that further reports are not required.
19. An initial extension of time for the performance of conditions within this permit may be granted by the Planning Director upon the following circumstances:
  - A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.

- B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
- C. Granting of the time extension would not be contrary to the original reasons for the granting of this permit.
- D. 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).
- E. If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

### **PROJECT OBJECTIVES AND DESCRIPTION**

The objectives for Royal Ali'i ("Project") include the following:

- Provide a neighborhood environment that encourages a 'sense of community' and promotes social interaction.
- Provide a streetscape that mitigates the visual impact and speed of the automobile.
- Develop a master plan that fits harmoniously into the local context and existing landscape.
- Develop a landscape theme for the development that will blend the new residences into the natural landscape.
- Through the use of CC&Rs, encourage housing design that respects the local building vernacular and encourages energy efficiency through the use of 'passive and active solar devices'.

#### **Project Components:**

The Project will be developed in a single phase consisting of 19 lots, each of which will maintain a minimum lot size ranging from 5,246 to 10, 177 square feet. According to information provided by the Applicant within its SMA Use Permit application, the Project will also consist of the following components:

- Lot sizes ranging from approximately 5,246 to 10,177 square feet.
- House sizes ranging from 1,500 square feet to 2,400 square feet in one and two-story dwellings.
- One-story dwellings approximately 18 feet 8 inches in height.
- Two-story dwellings approximately 27 feet 2 inches in height.

- Two parking spaces per lot.
- Underground utilities.
- Private roadways.
- Curb, gutters and sidewalks.
- Gated entry.
- An approximately 120 to 180-foot wide archaeological easement mauka of Alii Drive to preserve the existing archaeological sites on the project site.
- One subdivision access roadway from Alii Drive, which is would have a pavement width of 20 feet with 6-foot wide grassed shoulders and 4-foot wide sidewalks within a 40-foot right-of-way. A portion of this entry road will widen to a 52-foot wide right-of-way to accommodate a gated entry with 15-foot wide separated lanes and 6-foot wide grassed shoulders and 4-foot wide sidewalks and a 6-foot wide landscaped median. Internal subdivision access roadways to be privately owned and maintained with a pavement width of 20 feet within a 40-foot wide right-of-way with grassed shoulders and no curbs (Figure 13), in lieu of the minimum 50-foot wide right-of-way required by the Subdivision Code and specified by Department of Public Works Standard Detail R-39.

The Applicant's project schedule anticipates site work to be completed and sales of all lots and homes to be completed within 24 months from the date of approval of this PUD application and issuance of Final Subdivision Approval.

As required by SMA Use Permit No. 05-000007, a 5-foot wide future road widening lot will be established along the Ali'i Drive frontage of the Property, along with required shoulder improvements, all of which shall be dedicated at no cost to the County.

### **AGENCIES' REVIEW**

Department of Public Works: Memorandum dated May 19, 2006

The Department of Public Works informed the Department that the variance from setback for an accessory structure may conflict with the Building Code. DPW also requested that consideration be given to potential development of adjacent properties and traffic circulation before granting a variance from the requirements of Section 23-44.

Other comments include:

- All development generated runoff shall be disposed of on-site and shall not be directed towards any adjacent properties.
- The applicant shall be informed that if they include drywells in the subject development, an Underground Injection Control (UIC) permit may be required from the Department of Health, State of Hawaii.

- A drainage study shall be prepared, and the recommended drainage system shall be constructed meeting with the approval of the Department of Public Works.
- All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawaii County Code.
- The applicant shall comply with Chapter 11-55, Water Pollution Control, Hawaii Administrative Rules, Department of Health, which requires an NPDES permit for certain construction activities.
- The applicant shall provide for adequate off-street parking, and proper turnarounds on the private streets.
- Vehicular access to the individual lots shall not be from any major collector or arterial roadways.
- The applicant shall remove any encroachments or obstructions within the County right-of-way.
- Ali'i Drive is a County road, with an approximate 22-foot wide pavement and 8-foot wide AC shoulders within an approximately 50-foot wide right-of-way. Ali'i Drive shall be improved to a 60-foot wide right-of-way according to the County's General Plan. A 5-foot wide future road widening setback shall be provided along the Ali'i Drive frontage of the property.
- Access to Ali'i Drive, including the provision of adequate sight distances, shall meet with the approval of Department of Public Works. Any vehicular security gate shall be installed more than 40 feet from the Ali'i Drive right-of-way with a turnaround on the Ali'i Drive side of the gate.
- In the interest of providing parking for the shoreline public access located makai of the project and pedestrian and bicycles safety, the applicant should provide a widened shoulder along the Ali'i Drive frontage extending to the right-of-way property line, meeting with the approval of the Department of Public Works. Pavement widening, transitions, signs and markings, drainage improvements, and relocation of utilities maybe required.
- Install street lights, signs and markings meeting with the approval of the Department of Public Works, Traffic Division.

Fire Department: Memorandum dated April 25, 2006

Fire Department recommends that fire apparatus access roads comply with Uniform Fire Code (UFC) Section 10.207 and that water supply conform to UFC Section 10.301(c).

Police Department: Memorandum dated May 1, 2006

"It is recommended that the applicant be required to construct acceleration and turning lanes at the project's intersection with Alii Drive.

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It is also requested that the applicant be required to meet the requirements of Section 23-44 of the Hawaii County Subdivision Code and that the variance be denied. Both the mauka-makai and north-south roadways within the subdivision should be extended to the boundaries of the subdivision. This will allow for the creation of secondary roads between adjoining subdivisions and will allow access to the proposed Alii Bypass.

The Hawaii Police Department continues to maintain that until such time as adequate roads are built to support the ever-growing population, construction, and additional vehicles on our roadways, additional development must adhere to the County's proposed policy on the principles of concurrency."

Office of Housing and Community Development. Memorandum dated July 31, 2006

OHCD informs this office that the County's affordable housing requirements, pursuant to Chapter 11 of the Hawaii County Code, are not applicable to the proposed project.

Department of Environmental Management: Memorandum dated April 20, 2006

DEM confirms that Property is situated in proximity to a sewer system and requires that connection of the Project be made in accordance with Section 21-5 of the Hawaii County Code. Recommends the submittal of a solid waste management plan.

Department of Water Supply: Memorandum dated May 31, 2006

DWS confirms that water to support the proposed 19-lot subdivision is available from an existing 8-inch waterline located along Ali'i Drive. Payment of the required water commitment fees by the Applicant was confirmed by the Department of Water Supply on May 31, 2006. As part of the proposed subdivision, the Applicant will be required to install necessary water system improvements which will include water mains, service laterals, fire hydrants and other required improvements.

**APPROVED VARIANCES**

The following variances as detailed below are hereby approved. Please note that the approval of these variances are based on the conceptual layout of the proposed subdivision provided by the Applicant. However, the Department is recommending that the interior subdivision roadway be extended to the northern boundary of the Property as recommended by the Department of Public Works and consistent with existing policies of the Planning Department promoting the interconnectivity of subdivision via local streets to reduce the overall burden upon the County's

collector and arterial roadway networks. There is no need to provide a southern connection due to the existing Ho'omalulu on Ali'i Subdivision.

### Variations to the Zoning Code

- **Minimum Building Site Area; Minimum Average Width** (Hawaii County Code §25-4-31 & §25-5-6). According to the Applicant's site plan, it appears that most of the proposed lots will have a minimum building site average width of at least 50 feet, less than the required width of 60 feet. We have no objections to the granting this variance since the reduced width of no less than 50 feet should prove more than adequate to accommodate any unforeseen design circumstances while ensuring that sufficient frontages are available for practical concerns, such as driveway accesses and proper house siting.
- **Minimum Building Site Area** (Hawaii County Code §25-4-32). To allow a minimum lot size of 5,246 square feet and minimum building site average width of 50 feet. This is in lieu of the standard requirement of a 7,500 square foot minimum lot size and 60-foot wide minimum building site average width. A proportionate reduction in the minimum building site average width to a 5,246 square foot lot results in a minimum width of 50 feet. This width should be sufficient to accommodate a typical home, especially when considering the modified setbacks to be established that will manage the siting of individual homesites.
- **General Requirements for Yards and Open Spaces** (Hawaii County Code §25-4-40 & §25-5-7). Applicant is requesting flexibility in the designation of yards, as detailed within Exhibits 2 through 7. The orientation and configuration of the proposed lots and the designation of yards and its setbacks are managed through the master plan to ensure the preservation of reasonable building separation and clearspace. Applicant is requesting a front yard setback of 12 feet for the main house and 2 feet for a detached/attached garage in lieu of the minimum 15 feet. The Applicant is also requesting no minimum yard setback only for those lots to be located adjacent to the archaeological preserves. We have no objection to this request since there will be no prospect of additional homesites within the archaeological preserves. The designation of the respective yards is determined by the various exhibits.
- **Corner Building Sites** (Hawaii County Code §25-4-42). We do not have an objection to the granting of this variance under the condition that the application of yards and setbacks, as approved by this PUD, is limited to the configurations shown on Exhibits 2 through 7.
- **Fences and Accessory Structures** (Hawaii County Code §25-4-43). Applicant incorrectly makes reference to retaining walls being limited to 6 feet in height. Maximum height of fences and walls are applied to boundary walls, not retaining walls. The Applicant also wishes to allow for free-standing entry wall features over 6 feet in height into the minimum front yard setback. We have no objection to this requirement, provided it is limited to free-standing entry wall features only as depicted on Exhibit 8 and will not apply to accessory structures, boundary walls or fences.

### Variances to the Subdivision Code

- **Lot Side Lines** (Hawaii County Code §23-35). The proposed roadway alignment will make it difficult to have side property boundaries always hit the road right-of-way at a right angle. Orienting property boundaries at right angles with a roadway makes greater sense on smaller residential-sized lots to ensure proper siting opportunities for structures and driveway location. However, with the combination of master-planned siting and setback configurations, we don't believe that a variance from this particular requirement will compromise the integrity of any of the proposed lots to properly site a home or driveway, especially when considering that the roadway alignment does not place severe horizontal curves along the frontages of any of the proposed lots.
- **Minimum Right-of-Way and Pavement Widths** (Hawaii County Code §23-41(a)). The Applicant is requesting a variance from the minimum rights-of-way widths for its internal, minor street-type roadways. The requested variances are related to right-of-way widths, the use of medians and traffic calming features within the right-of-way, and shoulder/swale details.
  - **Minor Entry Street from Ali'i Drive (40' wide road right-of-way in lieu of 50' ROW with alternative shoulder improvements-Figure 14)**. The proposed standards for the 40-foot wide minor street-type roadway will deviate from the minimum 50-foot wide ROW and shoulder improvements specified by DPW Standard Details R-33 and R-34. The Applicant is proposing a standard pavement width of 20 feet with 6-foot wide grassed shoulders and 4-foot wide sidewalks on each side. The lower volume and speed of vehicles typically carried by these minor streets affords the opportunity to reduce the pavement width and manage speeds. The proposed 20-foot wide pavement, which does meet County standards, will provide opportunities for a landscaped shoulder/drainage swale while still accommodating two-way traffic.
  - **Landscaped Median (52-foot wide roadway right-of-way with 15-foot wide travel lanes and 9-foot wide grassed shoulders-Figure 18)**. We approve of the Applicant's request to install a 6-foot wide landscaped median along the subdivision entry street with 15-foot wide separated travel lanes and 6-foot wide grassed shoulders and 4-foot wide sidewalks within a 52-foot wide right-of-way. The location of the median must meet with the approval of the Department of Public Works to ensure that its location does not inhibit larger vehicles like buses or fire trucks.
  - **Minor Interior Subdivision Streets (40-foot wide road right-of-way with 20-foot wide pavement with 10-foot wide grassed shoulders-Figure 13)**. We approve of the Applicant's request to install a 10-foot wide landscaped median at the subdivision entrance with 15-foot wide travel lanes and 9-foot wide grassed shoulders within a 58-foot wide access easement. The location of the median must meet with the approval of the Department of Public Works to ensure that its location does not inhibit larger vehicles like buses or fire trucks.

- **Intersection Angles/Corner radius** (Hawaii County Code §23-45(b)). Applicant requests that intersections within the private roadway system have a minimum radius of 20 feet, subject to sight distance requirements at the pavement line, in lieu of the minimum requirement of 25 feet. This variance is approved on the basis that reduction of a corner radius will permit a shorter walking distance between the edge of the roadway. The reduced corner radius combined with traffic calming measures and lower posted speed limit result in safer pedestrian environment. This variance is limited to the intersections of minor subdivision streets only. The intersections of the minor subdivision streets and Ali'i Drive shall have compliant corner radiuses to accommodate larger vehicles, such as buses.
- **Cul-de-sacs** (Hawaii County Code §23-48). The Applicant is requesting the use of a 45-foot wide square drivecourt at the end of cul-de-sacs in lieu of the typical circular turnaround with a 45-foot radius. Since Section 23-48(b) gives the Planning Director the discretion to allow a T-turnaround or other suitable turnaround, this PUD hereby makes such determination that the proposed drivecourt is acceptable as proposed in Figure 15 since the dimensions meet the turning radius requirements of a fire truck.
- **Grades and curves** (Hawaii County Code §23-50). Applicant requested a variance from the minimum requirements for vertical and horizontal curves. This variance is approved on the basis of providing design flexibility in the presence of site constraints. *In those instances where the vertical or horizontal curves do not meet the minimum requirements, the Applicant shall present alternate standards at the time of construction plan review, as provided for in §23-50(b), with lower design speeds assigned in order to meet the roadway safety standards as specified within the AASHTO Policy on Geometric Design of Highways and Streets, 2001.*
- **Street lights** (Hawaii County Code §23-93). Applicant requested design flexibility in the placement and type of street lights permitted within the internal subdivision roadway easement. The Applicant proposes the use of custom street lighting fixtures along the minor-type roadway. Due to the limited number and large size of lots to be serviced by the internal subdivision roadway, a reduction in the number of lights would help to impart a more rural feel to the neighborhood while having sufficient lighting primarily at critical points for traffic safety considerations. *This variance is approved subject to the condition that a licensed engineer certify the safety of the lighting plan for the minor streets.* Lighting along all streets, including the landscaped "island", shall comply with the requirements of the County outdoor lighting code.
- **Street names & traffic signs** (Hawaii County Code §23-94). Approved to allow use of custom street name and traffic signs that will reinforce the desired character of the neighborhood and its design goals. While this variance will allow these signs to deviate from standard specifications, it must still meet AASHTO specifications.
- **Right of way Improvement** (Hawaii County Code §23-95). While this variance approval would allow for deviation from the County's standard detail regarding the improvement of the entire road right-of-way, such improvements of the right-of-way will be in conformance

with the improved right-of-way detail for the approved PUD roadway as shown on Exhibits 13 and 14.

### **DENIED VARIANCES**

- **Flag Lots** (Hawaii County Code §25-4-14). The Applicant's master plan shows only one flag lot. There is no indication that this proposed flag lot will not be able to comply with the minimum requirements of the Zoning Code. Without sufficient justification or evidence that relief is necessary, we deny this variance request.
- **Permitted Projections into Yards and Open Spaces** (Hawaii County Code §25-4-44). The Applicant wishes to allow for trellis, attached or detached from a structure and exceeding 6 feet in height, to project any distance into the 8-foot minimum side yard setback. We will not grant this variance as it will conflict with the minimum requirements of the Building Code, which specifies a setback of at least 3 feet. While we have permitted a variance to allow a garage structure to within 4 feet of the property line, it is the Applicant's responsibility to ensure that the garage structure and its associated features, like roof overhang, do not project within the minimum 4-foot clearspace required by the Zoning Code.
- **Through Lots; Planting Screen Easements** (Hawaii County Code §23-36). Through lots may be permitted, at the discretion of the director, due to topographic constraints. However, there is no through lot shown on the master plan. The Applicant does not sufficiently explain why such relief from this possible requirement is appropriate for this project.

### **PUBLIC COMMENTS**

There were no public comments received by the Planning Department regarding this application.

### **FINDINGS**

The following findings are made in accordance with Section 25-6-10 (Criteria for granting a PUD):

- 1) **The construction of 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 project schedule anticipates site work to be completed and sales of all lots and homes to be completed within 24 months from the date of approval of this PUD application and issuance of Final Subdivision Approval

**2) The proposed development substantially conforms to the General Plan.**

The proposed single family residential lots are consistent with the General Plan LUPAG Map designation for the Property of Medium Density Urban, which allows for village and neighborhood commercial and single family and multiple family residential uses and related functions. Multiple family residential units up to 35 units per acre are permitted. The proposed single-family residential subdivision is consistent with the goals and policies of the General Plan Land Use and Housing Elements by providing a diversity of housing choices to meet a range of housing needs, designing in accordance with the environment, and fostering a pedestrian-friendly community.

**3) 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 19-lot single family residential subdivision will provide a density that is less than the density permitted by zoning, which is calculated at approximately 24 lots when taking into consideration the land area required for roadways. The Applicant has managed the minimum yard setbacks for each lot to ensure that sighting of structures and maximized and that the streetscape and its pedestrian-oriented character are not compromised. The design of this subdivision is largely the result of setting aside a strip of land running along Ali'i Drive in order to preserve 21 archaeological sites and 2 burials. Roughly calculated, approximately 1.4 acres of land within the 5.5-acre Property will be set aside as an archeological preservation area. While not intended to, this archaeological preservation area will also have a desirable effect of providing a visual buffer between the proposed subdivision and Ali'i Drive, thereby avoiding the straddling of residential and commercial uses that is so common along many segments of this much-used roadway.

**4) 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 establishment of an archaeological preservation area within the Property justifies the variances to the minimum building site area and average width, minimum yards, and other variances from lot configuration and roadway requirements. The street design variances result in the desire to preserve the pedestrian-oriented character of the surrounding area and Ali'i Drive. While the actual pavement width of 20 feet is consistent with code

requirements, it is only the improved right-of-way that will be reduced from 50 feet to 40 feet. While the proposed lots are very small and would provide limited off-street parking opportunities, the absence of curbing along the subdivision streets and its grassed shoulders will provide sufficient opportunity to accommodate the casual on-street parking for homeowners.

### CONDITIONS OF APPROVAL

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

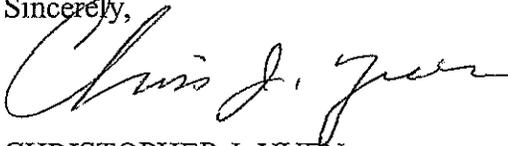
1. Permit Runs with the Land. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. Indemnification. The applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the 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.
3. Master Plan and Street Layout. The proposed Planned Unit Development shall be developed in a manner as substantially represented within exhibits attached to this Planned Unit Development Permit. An exception is the extension of the interior subdivision roadway to the northern boundary of the Property in order to facilitate its future connection with future roadways should the adjoining property be developed.
4. Roadway design guidelines. All roadways shall follow the guidelines incorporated in the Hawaii Statewide Uniform Design Manual for Streets and Highways or the applicable AASHTO design guide for the appropriate design speed.
5. Construction Plan Review by Fire Department. The Applicant shall consult with the Fire Department to ensure that its conformance with the minimum requirements of the Fire Code. Besides the Department of Public Works and Department of Water Supply, construction plans shall also be submitted to the Fire Department for review.
6. No Additional Single Family Dwellings. Restrictive covenants in the deeds of all 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 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. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.
7. Compliance with other rules and conditions. The applicant shall comply with all other applicable rules, regulations and requirements, including those conditions specified with the approval of Special Management Area Use Permit No. 05-000007.

Mr. Michael J. Riehm, A.I.A.  
Riehm Owensby Planners Architects  
Page 15  
January 24, 2007

8. Annual Report. 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/or the Planning Director acknowledges that further reports are not required.
9. Time Extension. 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:da/cd

O:\PUD Permits\2005\PUD05-000005(Royal Alti, LLC)\PUD05-000005RoyalAltiLLC.doc

Attachments: PUD Exhibits

xc w/attachments: Department of Public Works, Building Division  
Department of Public Works, Engineering (Hilo and Kona)  
Department of Water Supply  
Department of Environmental Management  
Fire Department  
West Hawaii Planning Office

Figure 1: Master Plan Concept

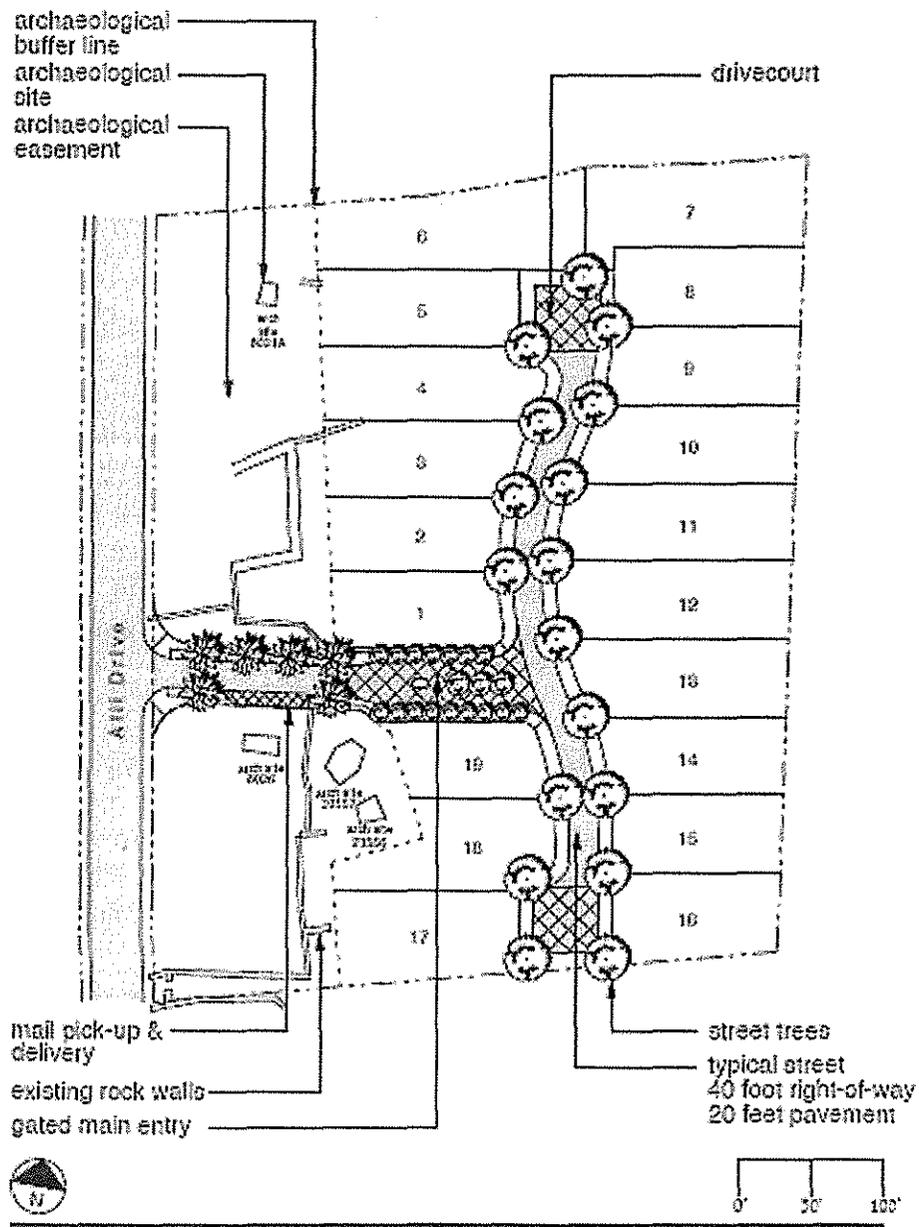


Figure 11: Project Entrance

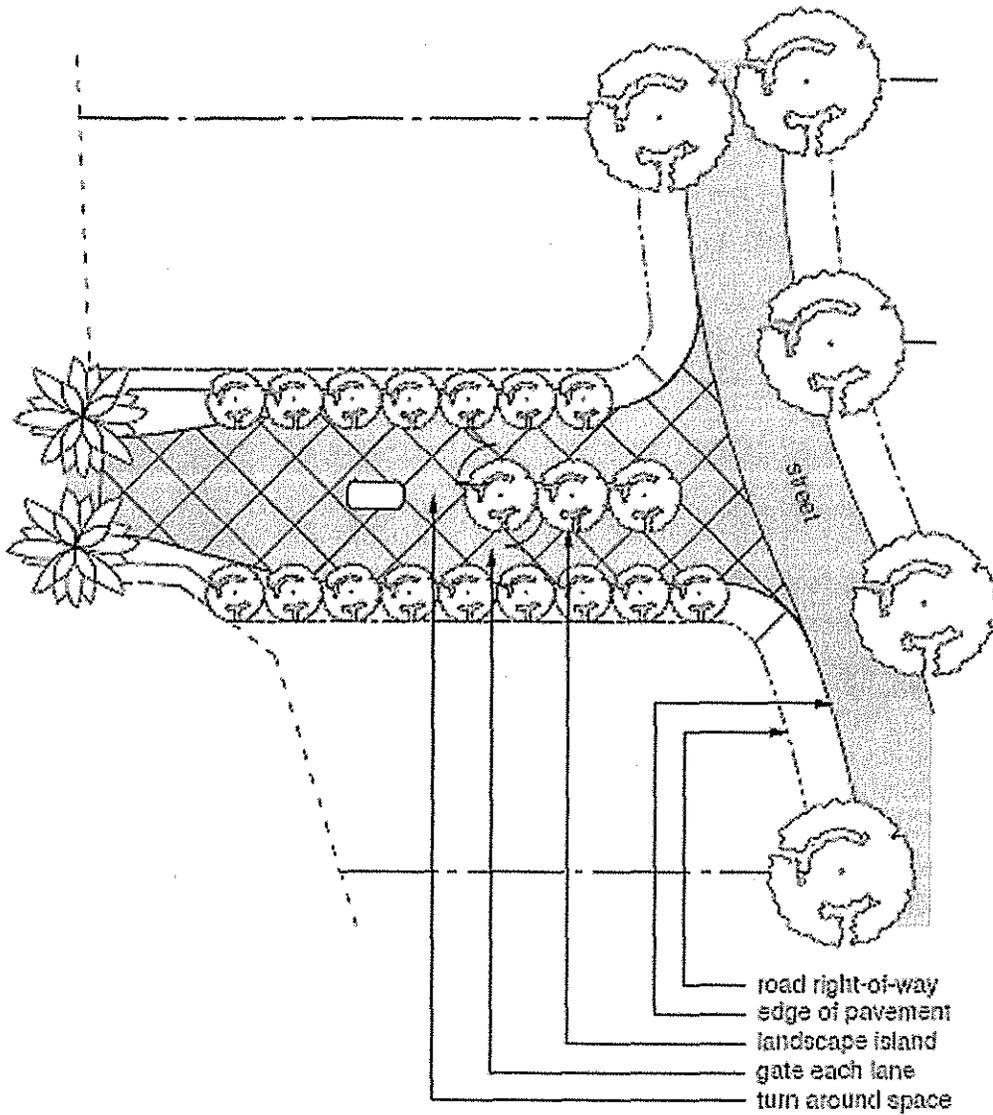


Figure 12: Mail Kiosk

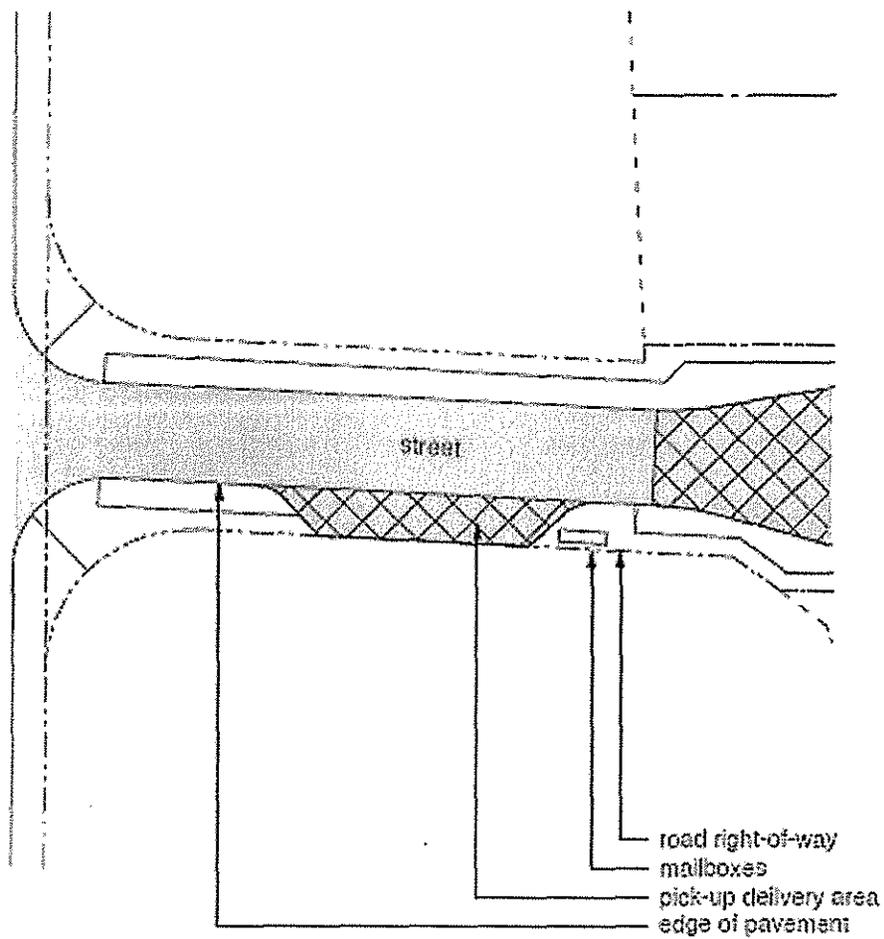


Figure 13: Street Character

**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.

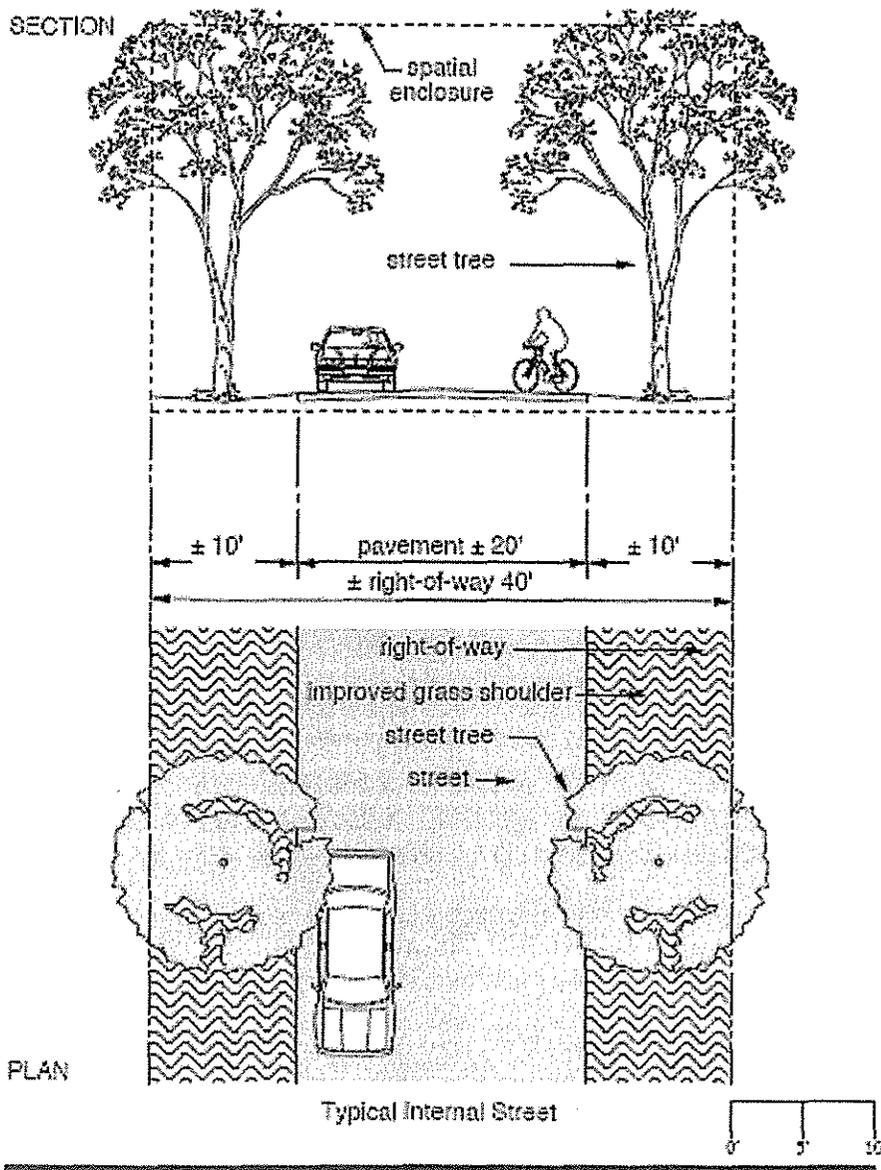


Figure 14: Street Character

**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.

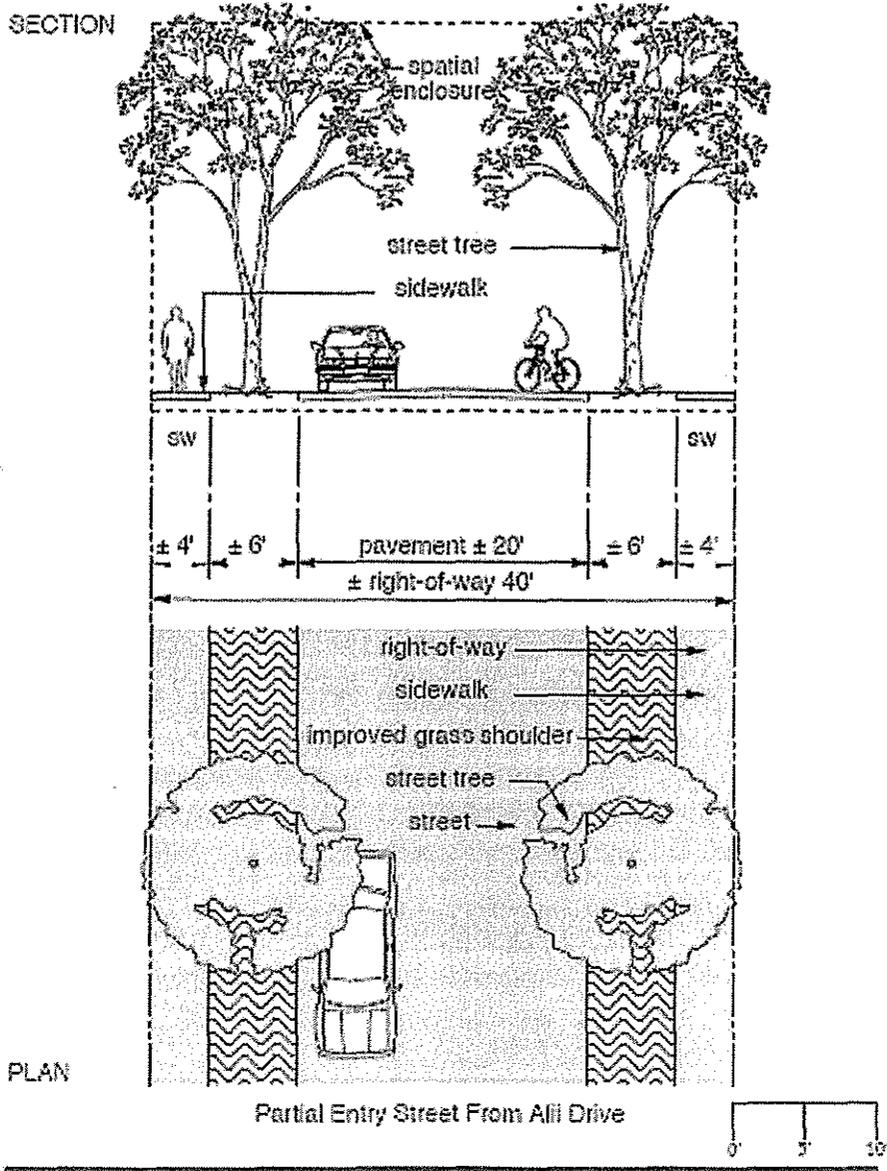
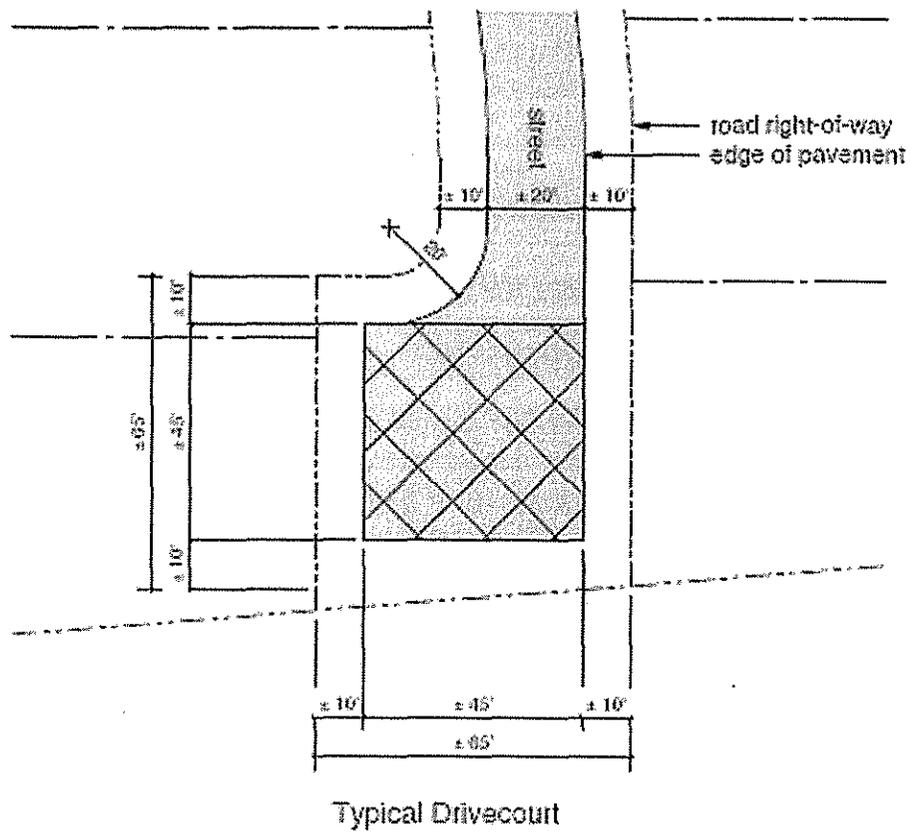


Figure 15: Drivecourt



### Figure 16: Special Paving

**Comment:**

Another important element of the street character may be the use of special paving at select areas to designate a street intersection and /or to help mitigate the speed of automobiles.

(See figures for special paving location as referenced below)

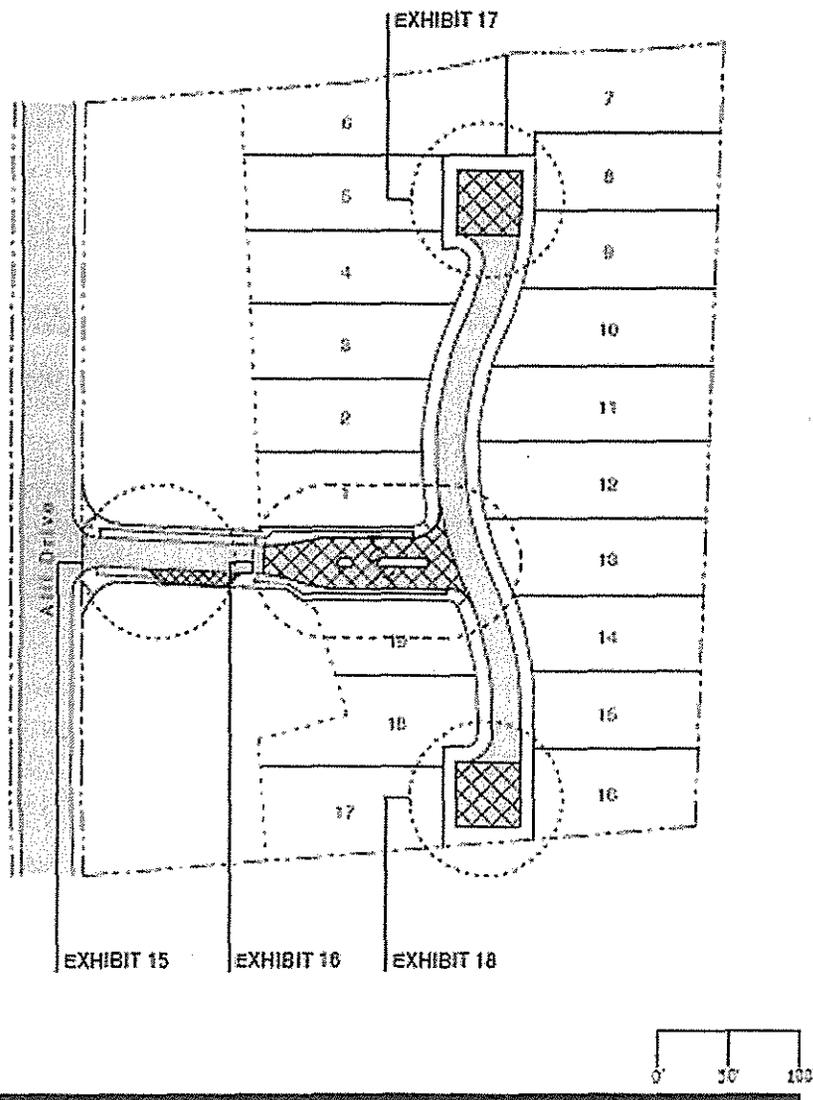


Figure 17: Special Paving

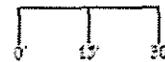
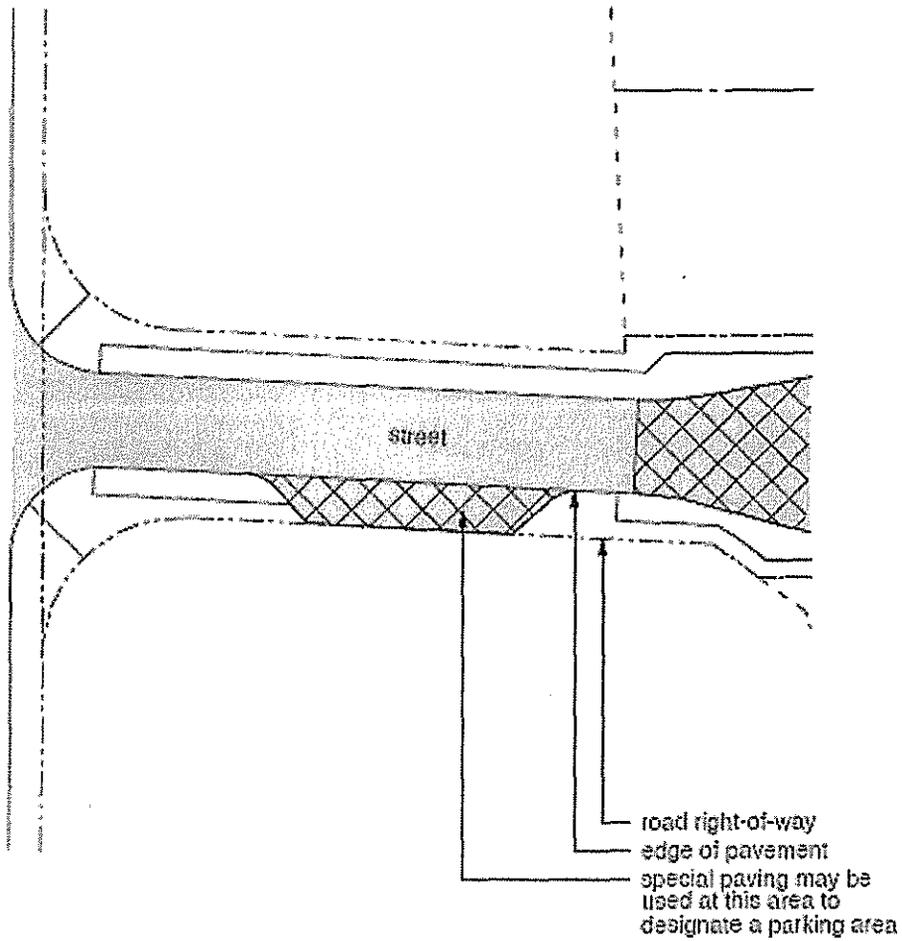


Figure 18: Special Paving

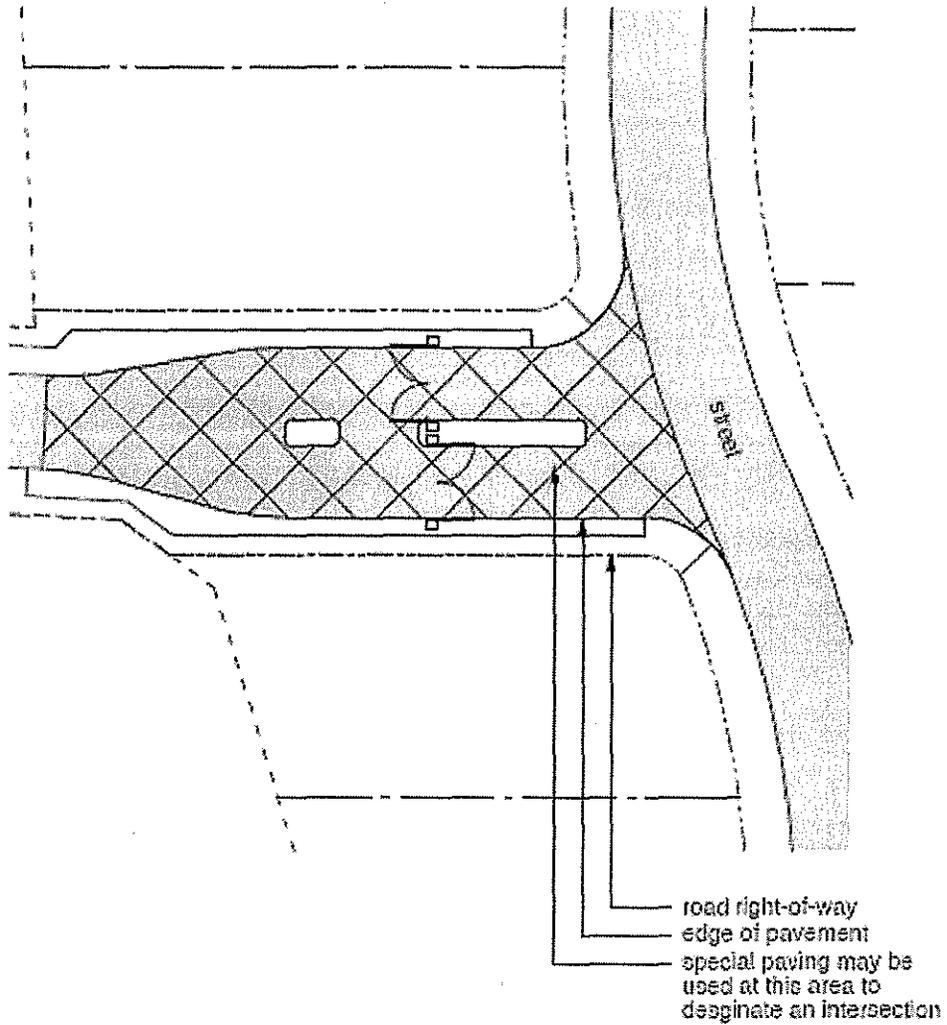


Figure 19: Special Paving

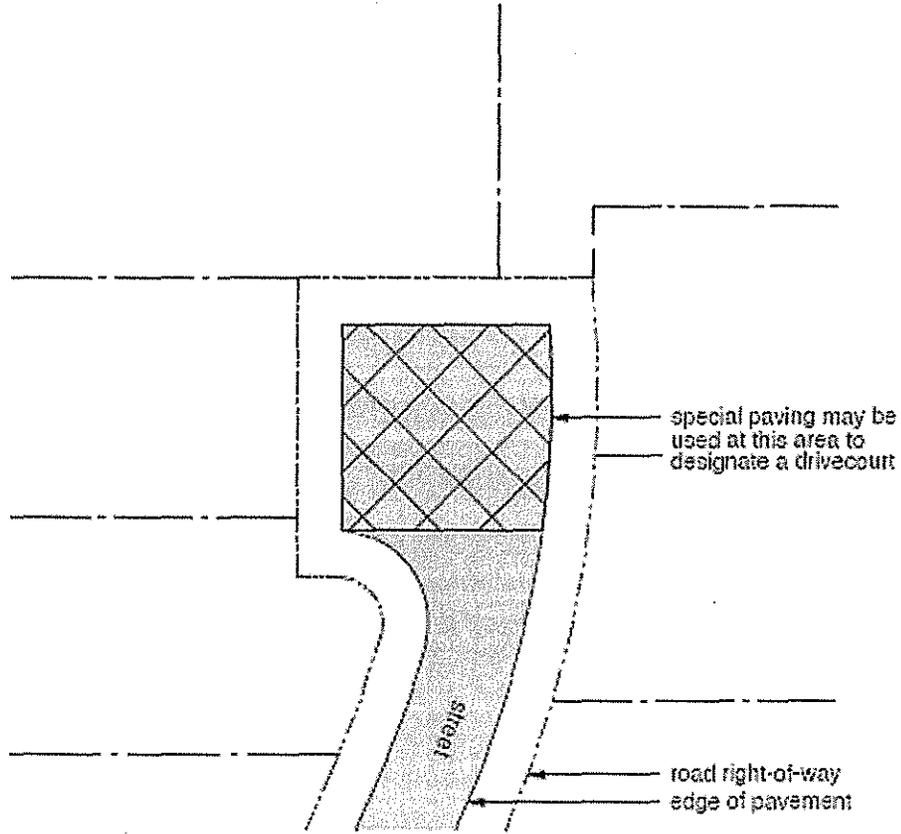
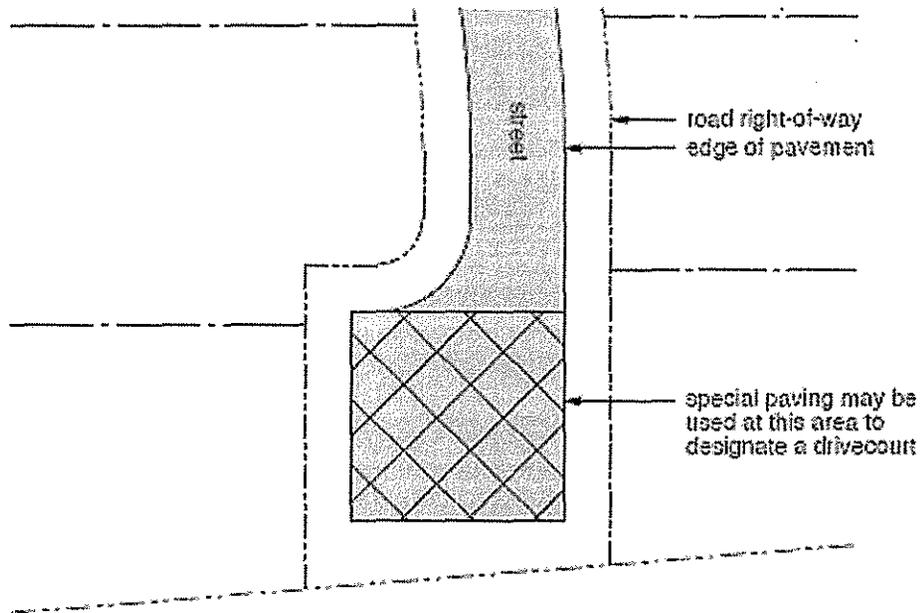


Figure 20: Special Paving



## Exhibit 2: Yard Designation

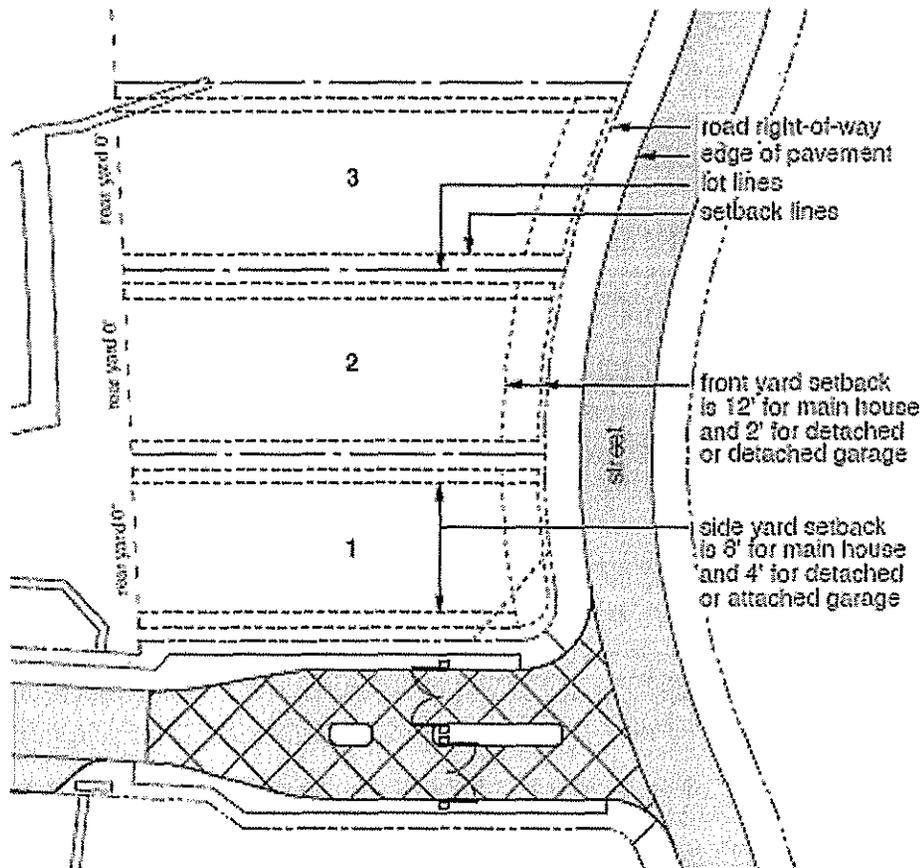
Variance Request - Zoning Code

**Request:**

The Petitioner request the front, rear, and side yards be designated as indicated below for lots 1, 2 and 3.

(See Exhibit No. 1, page 8-37, for lot location in project)

Note: the yards indicated below apply to both one and two story buildings.



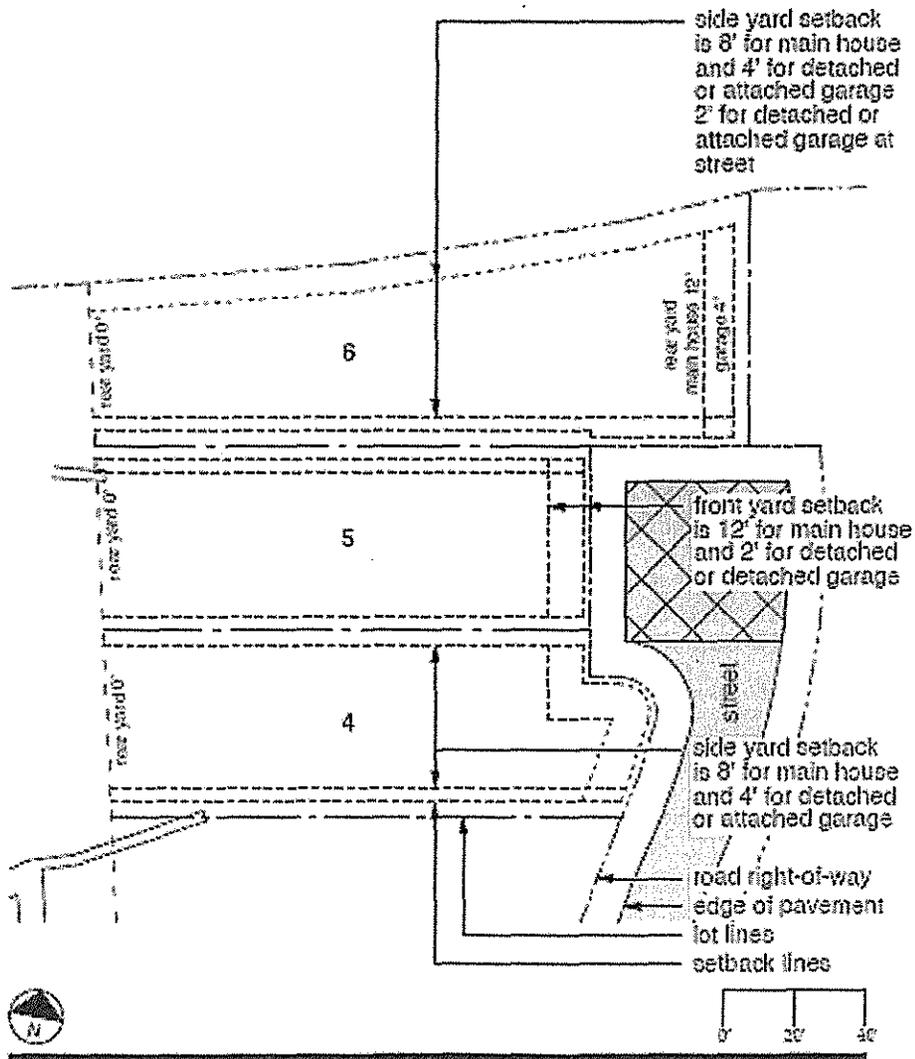
### Exhibit 3: Yard Designation Variance Request - Zoning Code

**Request:**

The Petitioner request the front, rear, and side yards be designated as indicated below for lots 4, 5 and 6.

(See Exhibit No. 1, page 8-37, for lot location in project)

Note: the yards indicated below apply to both one and two story buildings.

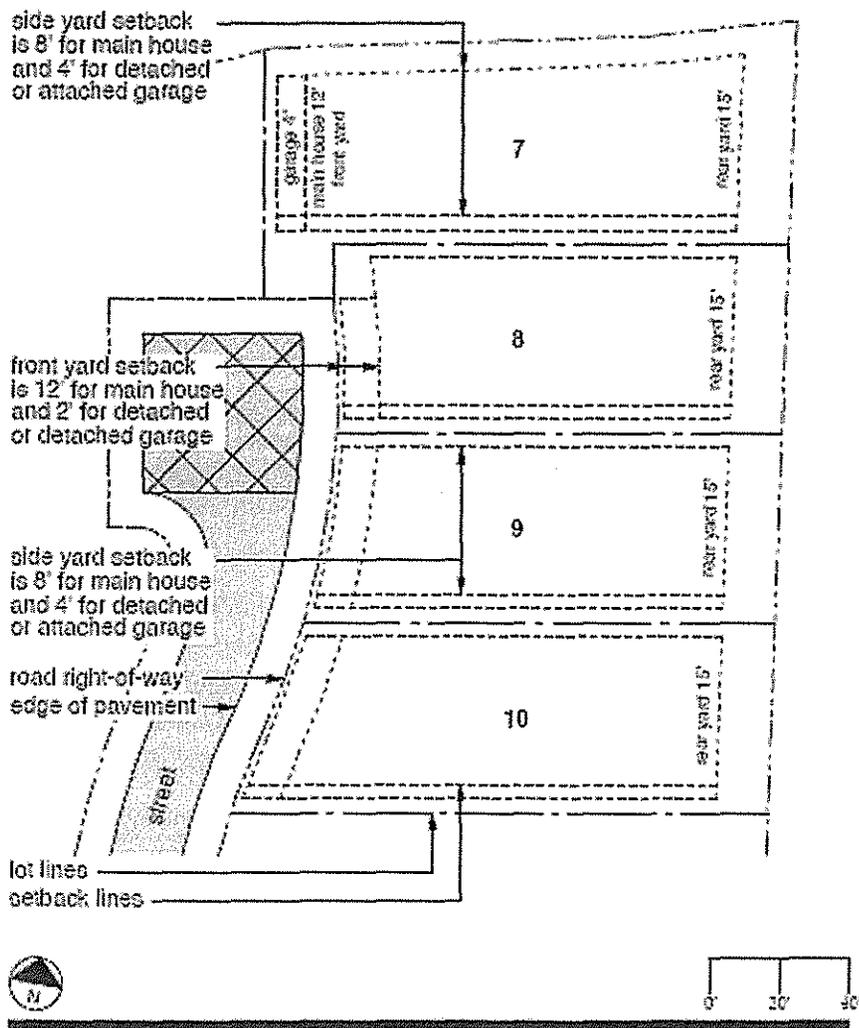


### Exhibit 4: Yard Designation Variance Request - Zoning Code

**Request:**  
The Petitioner request the front, rear, and side yards be designated as indicated below for lots 7, 8, 9 and 10.

(See Exhibit No. 1, page 8-37, for lot location in project)

Note: the yards indicated below apply to both one and two story buildings.



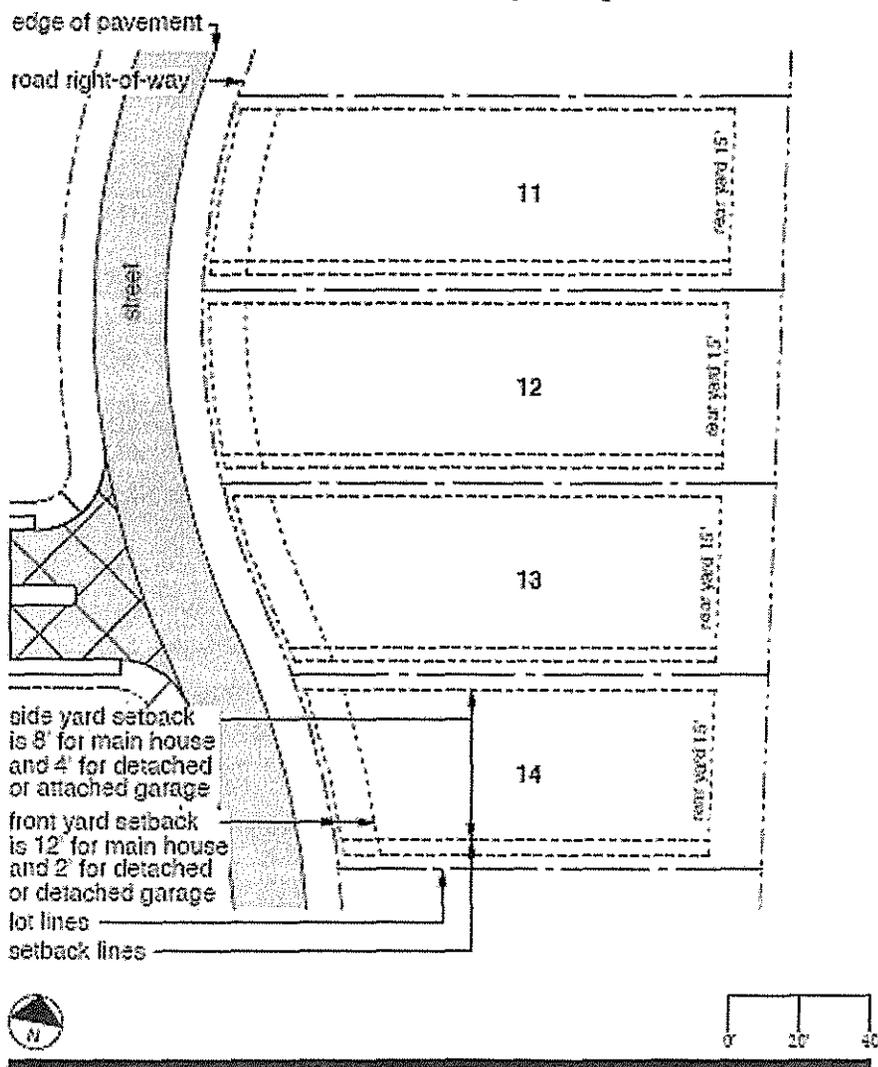
### Exhibit 5: Yard Designation Variance Request - Zoning Code

**Request:**

The Petitioner request the front, rear, and side yards be designated as indicated below for lots 11, 12, 13 and 14.

(See Exhibit No. 1, page 8-37, for lot location in project)

Note: the yards indicated below apply to both one and two story buildings.



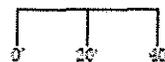
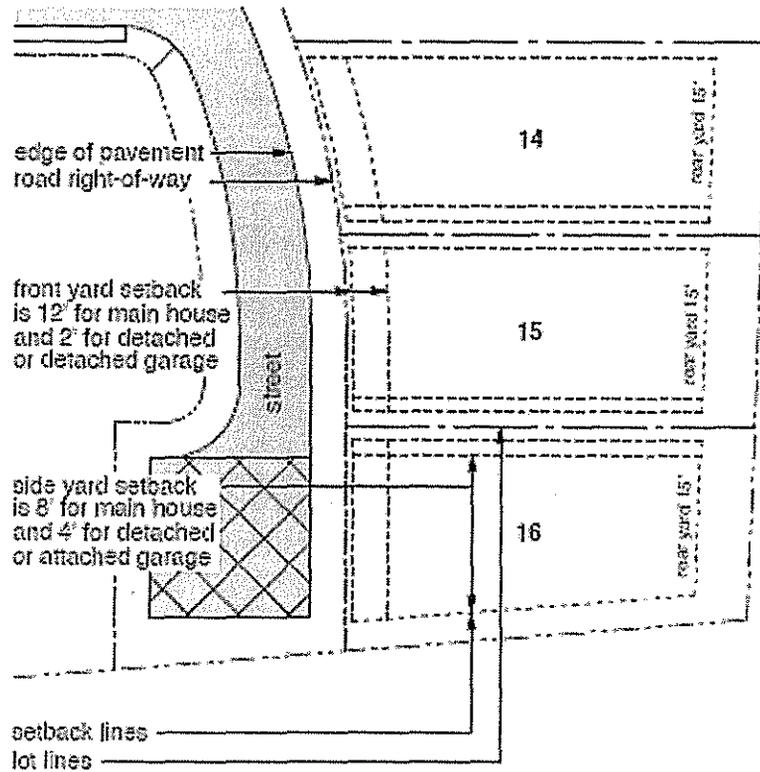
### Exhibit 6: Yard Designation Variance Request - Zoning Code

**Request:**

The Petitioner request the front, rear, and side yards be designated as indicated below for lots 14, 15 and 16.

(See Exhibit No. 1, page 8-37, for lot location in project)

Note: the yards indicated below apply to both one and two story buildings.



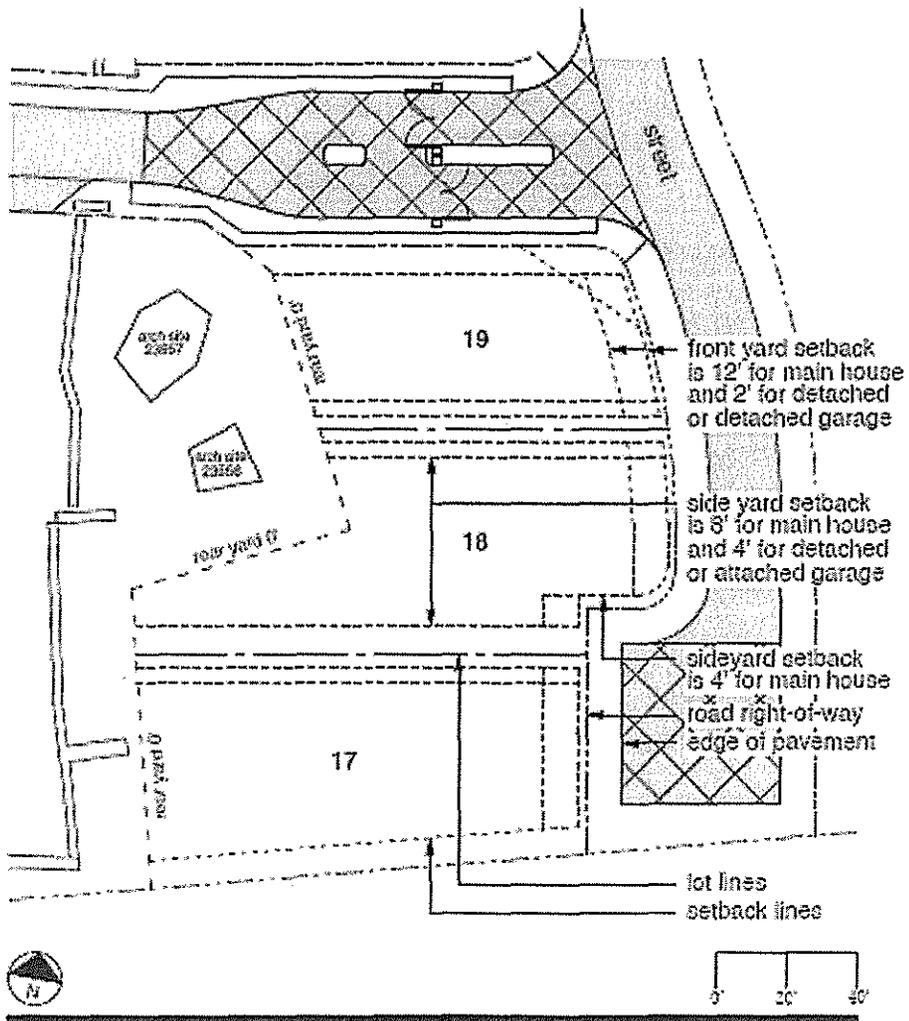
### Exhibit 7: Yard Designation Variance Request - Zoning Code

**Request:**

The Petitioner request the front, rear, and side yards be designated as indicated below for lots 17, 18 and 19.

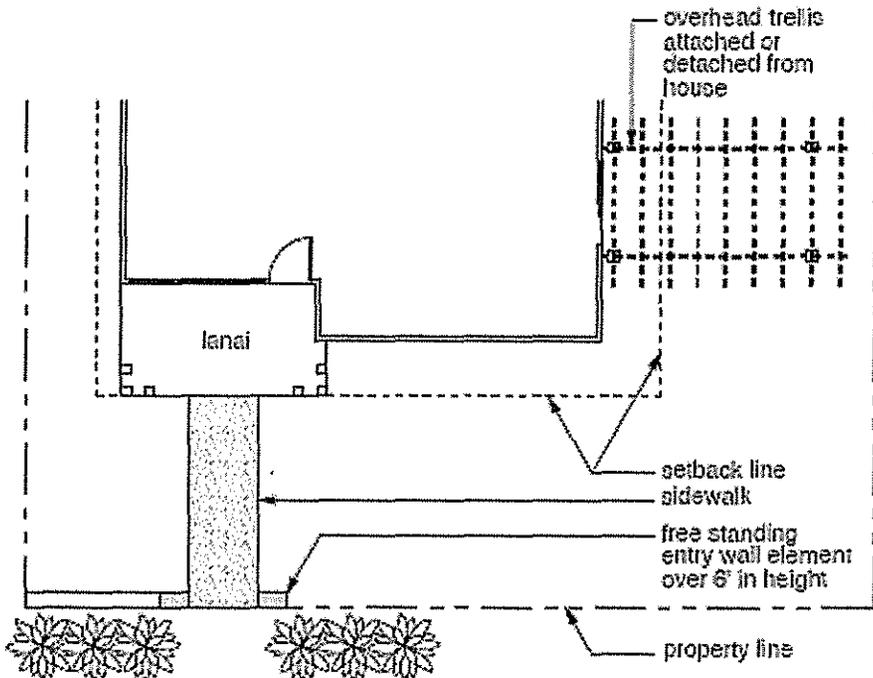
(See Exhibit No. 1, page 8-37, for lot location in project)

Note: the yards indicated below apply to both one and two story buildings.

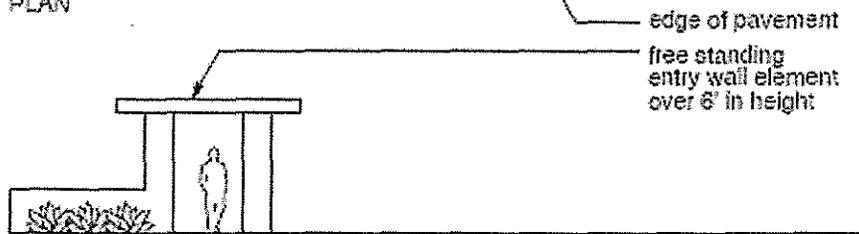


### Exhibit 8: Fences and Accessory Structures Variance Request - Zoning Code

**Request:**  
The Petitioner request the allowance of any accessory structure, architectural feature, wall, fence, trellis or any other architectural feature over six feet in height to extend into any required front, side, or rear yard. Below is an example of how this variance would apply:



PLAN



ELEVATION

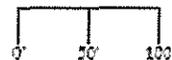
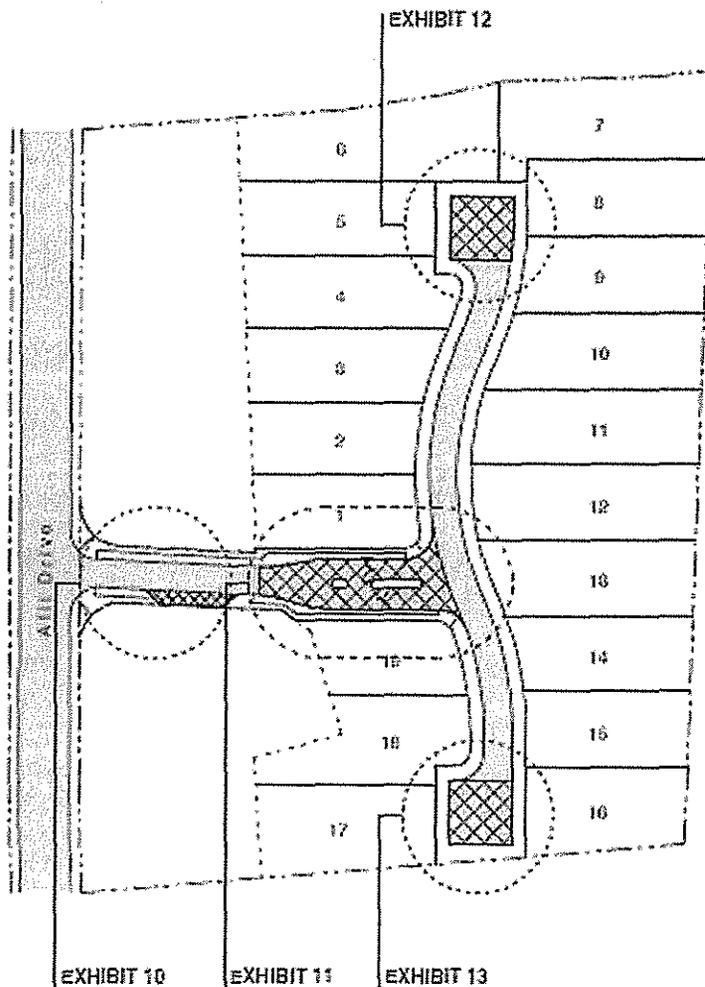


### Exhibit 9: Street Intersection Angles and Radius Variance Request - Subdivision Control Code

**Request:**

The Petitioner request the corner radius at the street intersections be as indicated below:

(See exhibits for radius criteria as referenced below at each intersection)



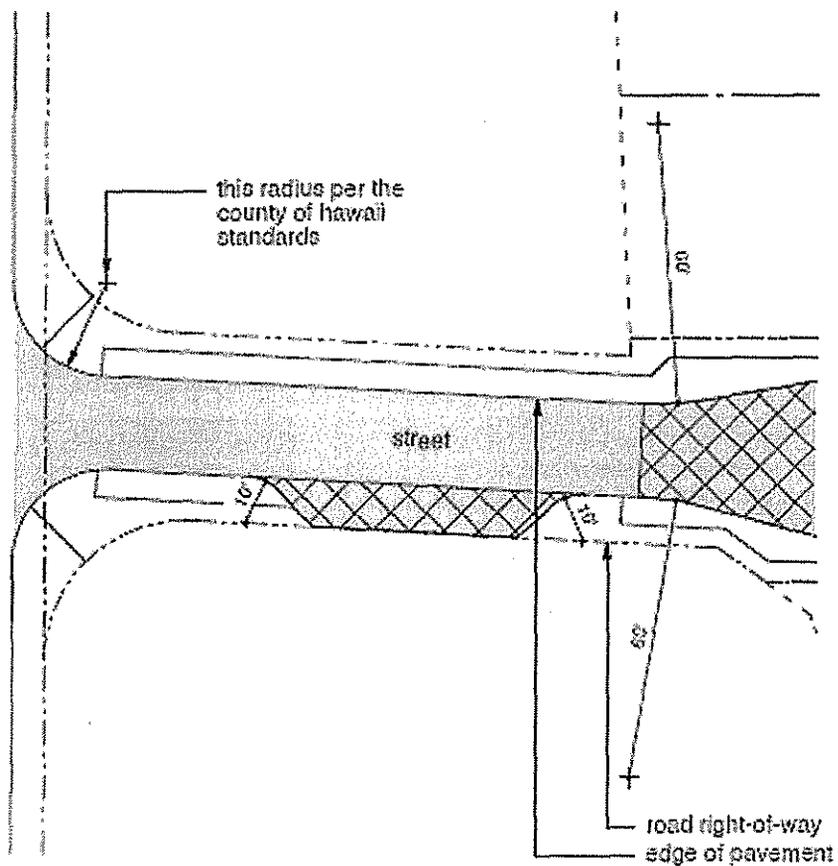
Mr. Michael J. Riehm, A.I.A.  
Riehm Owensby Planners Architects  
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### Exhibit 10: Street Intersection Angles and Radius Variance Request - Subdivision Control Code

**Request:**

The Petitioner request the corner radius be permitted to be approximately in the range as indicated below:

(See Exhibit No. 13, page 8-19 for intersection location in project)

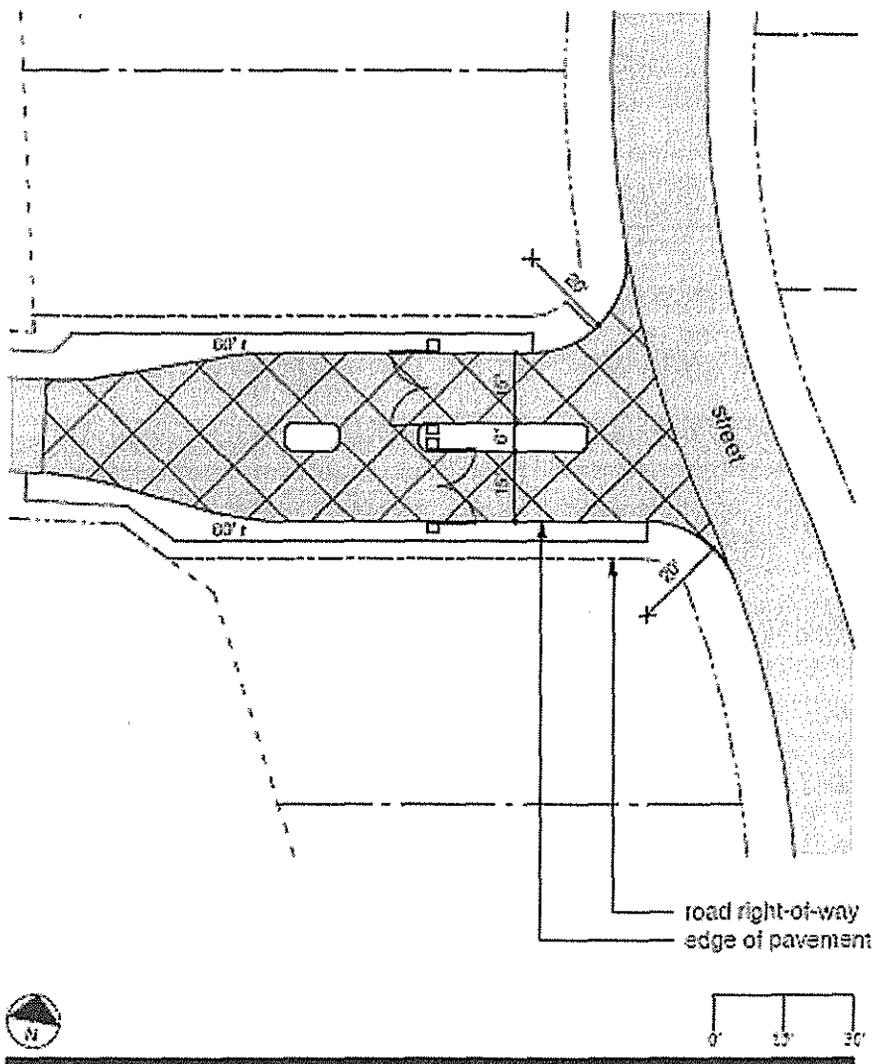


### Exhibit 11: Street Intersection Angles and Radius Variance Request - Subdivision Control Code

**Request:**

The Petitioner request the corner radius be permitted to be approximately in the range as indicated below:

(See Exhibit No. 13, page 8-49 for intersection location in project)

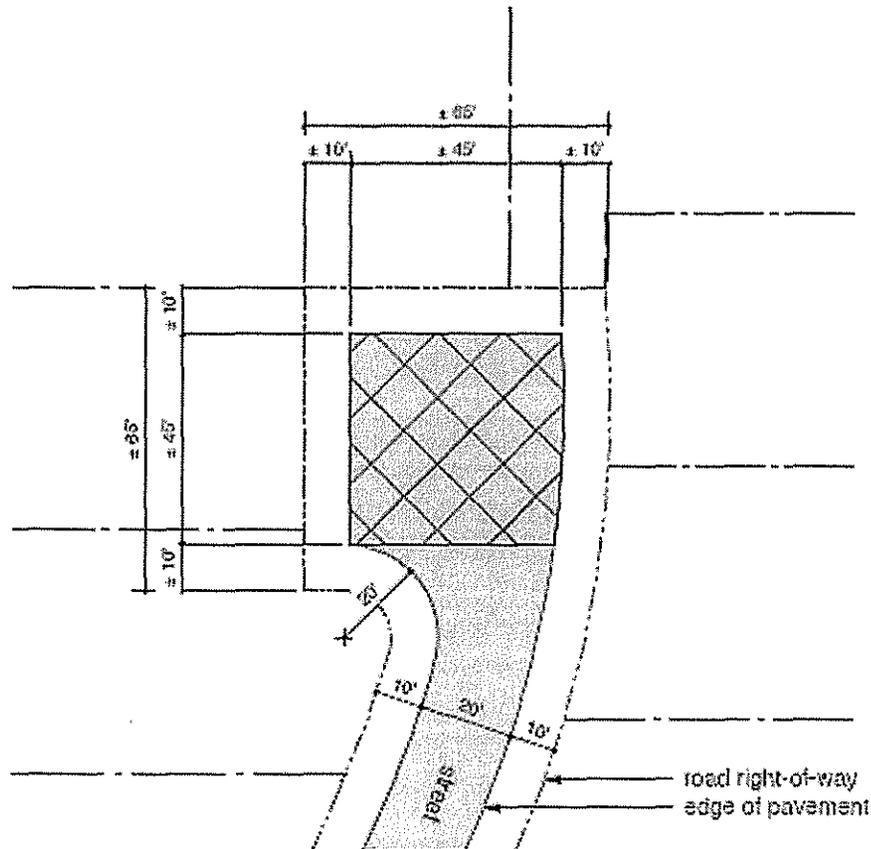


### Exhibit 12: Street Intersection Angles and Radius Variance Request - Subdivision Control Code

**Request:**

The Petitioner request the corner radius be permitted to be approximately in the range as indicated below:

(See Exhibit No. 13, page 8-49 for intersection location in project)

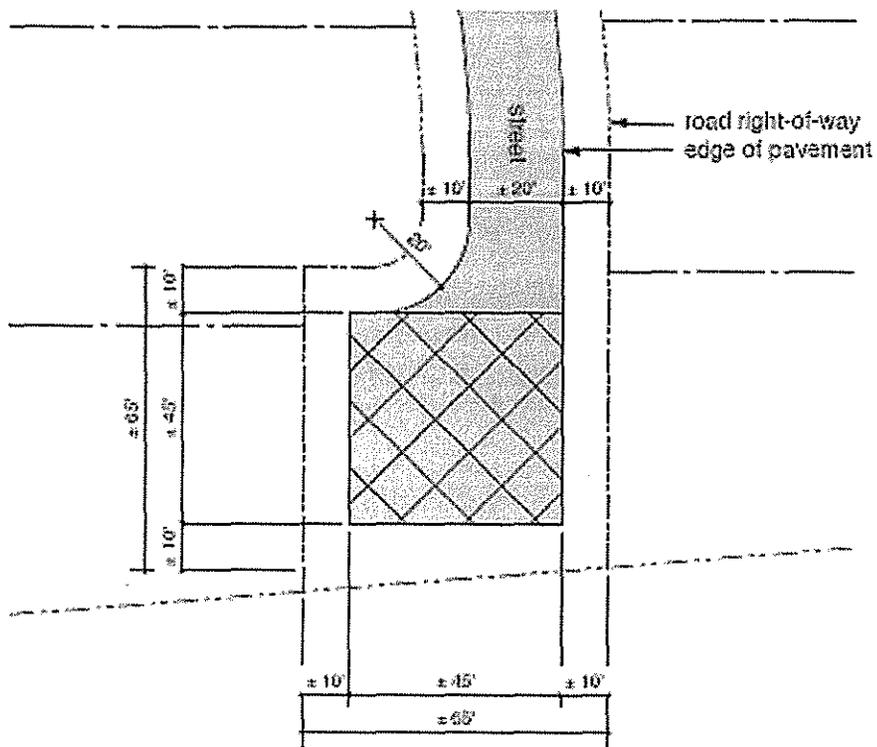


### Exhibit 13: Street Intersection Angles and Radius Variance Request - Subdivision Control Code

**Request:**

The Petitioner request the corner radius be permitted to be approximately in the range as indicated below:

(See Exhibit No. 13, page 8-49 for intersection location in project)

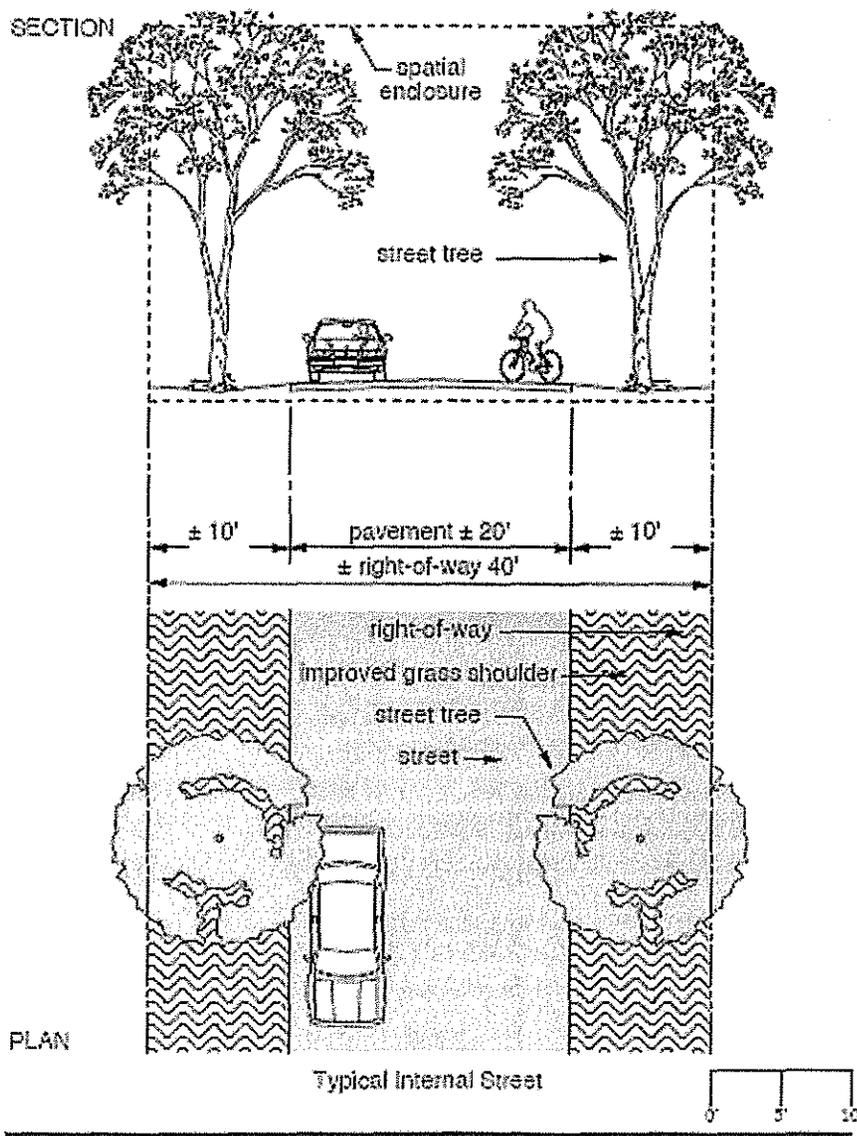


## Exhibit 16: Right of Way Improvement

Variance Request - Subdivision Control Code

### Request:

The Petitioner request that the requirements of Section 23-95 be waived to allow design flexibility in the treatment of the right of way areas as indicated below:



### Exhibit 17: Right of Way Improvement Variance Request - Subdivision Control Code

**Request:**  
The Petitioner request that the requirements of Section 23-95 be waived to allow design flexibility in the treatment of the right of way areas as indicated below:

