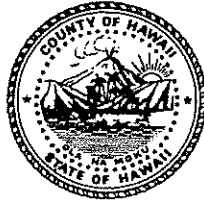


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy Planning Director

County of Hawai'i

PLANNING DEPARTMENT

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

April 29, 2011

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

Dear Mr. Riehm:

**SUBJECT: PLANNED UNIT DEVELOPMENT
PERMIT NO. 10-000018 (PUD 10-000018), "Alaneo"
Applicant: Riehm Owensby Planners Architects
Landowner: HU KO PA, LLC
TMK: 7-5-017:042; Kahului 2nd; District of North Kona, Hawai'i**

After reviewing the information submitted with the Planned Unit Development application, the Planning Director hereby approves Planned Unit Development Permit No. 10-000018 to allow the development of a master-planned community of 53 single family residential lots on land consisting of a total of approximately 14.437 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 property (TMK: 7-5-17: 042), hereinafter referred to as "Property", consists of a total of approximately 14.437 acres. The Property is situated within the District of North Kona, Hawai'i, on the south side of Hualālai Road, approximately 2.00 miles southwest of the town of Kailua-Kona.

Land Use Designations

The property is situated within the State Land Use Urban District and currently designated as Urban Expansion by the County General Plan, Land Use Pattern Allocation Guide (LUPAG) Map. The County zoning designation for the Property is Single Family Residential – 10,000 square feet of land area per dwelling unit (RS-10). Based on the simple application of a required 10,000 square feet minimum lot size against the total land area of 14.437 acres provides for a total of 62 lots, the maximum unit density that its zoning designation will permit. However, anticipating that roughly 20 percent of the subject property must be dedicated to supporting roadway and drainage systems, a more realistic total lot count is probably in the neighborhood of 50 lots. Through this PUD Permit, the Applicant will be able to develop a total of 53 lots via the requested variances, primarily by allowing the reduction of the 10,000 square feet minimum lot size and minimum building site average width, to maintain an overall unit density consistent with the property's RS-10 zoning. Each proposed lot will maintain a minimum lot size ranging from approximately 6,134 square feet to 14,505 square feet. The Project, with the approval of this PUD, will be consistent with the requirements of the Zoning Code and the land use policies of the General Plan since it does not exceed the overall maximum density permitted by the respective zoning designations.

Change of Zone Ordinance No. 10-002 was approved by the County Council effective February 1, 2010 to allow for the rezoning of the Property to its current designation of RS-10.

The Kona Community Development Plan (KCDP), adopted by the County Council on September 25, 2008, identifies the property as located in the Urban Area. The property is consistent with the Land Use and Transportation policies in the KCDP, as the property is considered an "infill" rezoning. In addition, the project will provide a north-south connector road through the development.

Description of Project Site

The property consisting of 14.437 acres, is currently vacant of any use or structure. Elevations within the property range from approximately 452 feet at the lowest point, to approximately 570 feet at the highest point, providing an elevation range of 112 feet. The site has a variety of slopes ranging anywhere from approximately 1 percent to approximately 25 percent, with an average slope of 12 percent. Vegetation within the property area consists of a combination of kiawe, koa haole and variety of grass, shrubs and weeds. The plants found on the Property are generally alien and introduced species, none being considered rare or endangered. No endemic species of animals were located nor were their habitats. An archaeological survey of the Property was conducted by the Applicant in November 2005 that located a total of 6 sites. The report concluded that the data collected from the six (6) sites (Sites SIHP Sites 24553, 24555, 24563, 24564, 24565, and 24566) were adequate for mitigating any potential impacts resulting from the proposed development of the property, and no further work is necessary.

Proposed Subdivision Improvements

The proposed Alaneo project, as permitted by this PUD Permit, will allow the Applicant to create a 53-lot single-family residential subdivision, with lot sizes ranging from about 6,009 square feet to 14,505 square feet. Access to the Property will be from two locations: Hualālai Road to the north and Paulehia Street located in the Pualani Estates Subdivision to the south. The primary access will be from Paulehia Street, which will connect to the signalized intersection at the Queen Ka'ahumanu Highway and Puapua'anui Street in the Pualani Estates Subdivision. The Property will include a north-south connector road between the Property's primary access at Paulehia Street to Hualālai Road.

The Applicant, through this PUD Permit, will be allowed to create internal subdivision roadways to service its proposed 53-lot subdivision that will deviate from the minimum requirements of the Subdivision Code. The project's internal roadway system will incorporate both County dedicable and private streets in order to make for a more pedestrian friendly environment. The internal roadways will be designed incorporating street trees and other landscape devices to provide for a more people-scaled neighborhood environment. The interior private minor streets and cul-de-sacs will be permitted to have a 46 feet right-of-way, with a minimum pavement width of 22 feet with curbs, gutters and 4 foot sidewalks, in lieu of the standard 50 feet right of way with 32 feet of pavement with curbs and seven (7) feet wide sidewalks.

The proposed subdivision plan does show 50-foot wide roadway connecting Hualālai Road and Paulehia Street. This north-south connector roadway will be constructed to County-dedicable minor street standards at the time of subdivision in accordance with the requirements of the change of zone ordinance (Ordinance No. 06-152) that rezoned this Property. The County will be asked to maintain the paved surfaces and the Homeowner's Association (HOA) will maintain the landscaping, signage and street light fixtures. There will be no on street parking along this street since on-street parking will be provided on the private interior streets of the project. The Applicant is a member of Waiaha System, LLC, comprised of various adjacent developers and landowners, and has secured a total of 79 water commitment units to develop the project (South Waiaha Water System Agreement date November 6, 2007). All other essential utilities and services are available to the Project Site.

Compatibility with Neighboring Uses

The Property is situated within an area primarily designated for urban types of uses by both the State Land Use Commission and the County. The Property essentially resides within the urban area as defined in the Kona Community Development Plan (KCDP). The Project Site is located adjacent to the Pualani Estates Subdivision (RS-7.5) to the south. Sugar Cane Land subdivision (RS-15) is located mauka of the Pualani Estates Subdivision. Inasmuch as the proposed Project

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adjacent to the Pualani Estates Subdivision (RS-7.5) to the south. Sugar Cane Land subdivision (RS-15) is located mauka of the Pualani Estates Subdivision. Inasmuch as the proposed Project will establish residential lots that are consistent with permitted density allowed by zoning, the development of the Project will remain consistent with residential uses that prevail within the surrounding area.

PROJECT OBJECTIVES AND DESCRIPTION

According to the Applicant, the objectives for the "Alaneo" residential subdivision project include the following:

- Provide a neighborhood environment that encourages a sense of community and promotes social interaction.
- Provide a pedestrian oriented environment and streetscape.
- Develop a master plan that fits harmoniously into the local context and existing landscape.
- Through the use of CC&R's, encourage housing design that respects the local building vernacular and encourages energy efficiency through the use of passive and active solar devices.

The Project site will be developed in one phase, totaling 53 lots, provided that it is done so in conformance with the requirements of Change of Zone Ordinance No. 10-002, this PUD Permit, and the requirements of the Subdivision Code.

The applicant's project schedule anticipates the site work to be completed within 12 months from the date of approval of this PUD Permit and issuance of Tentative Subdivision Approval or Final Subdivision Approval through bonding, with completion of sales of lots within 5 years from the date of issuance of Final Subdivision Approval or completion of site work for each respective phase.

AGENCIES' REVIEW

Department of Public Works: Memorandum dated December 7, 2010.

We reviewed the subject application and Ordinance 2010-002 and our comments are as follows:

The applicant shall comply with the conditions of Ordinance 2010-002.

BUILDING

1. Buildings shall conform to all requirements of code and statutes pertaining to building construction.

DRAINAGE

1. All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties. A drainage study shall be prepared, and the recommended drainage system shall be constructed meeting with the approval of DPW.
2. 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 Hawai'i.
3. We have testimony of offsite storm water crossing Hualālai Road into property mauka of the subject parcel. Topography maps and development plans on file indicate the off site flow will impact the subject property. A Preliminary Drainage Report acknowledges the potential for offsite runoff and proposes mitigation on Parcel 43. The final drainage study shall address offsite storm water and the proposed development plans shall be prepared such that:
 - a. Proposed building sites and infrastructures will be reasonably safe from flooding and designed to minimize exposure to flood drainage.
 - b. Pre-development storm water quality shall not be degraded nor storm water quantities or peak flows increased from development or from channelization which reduces natural infiltration.
 - c. The proposed development shall not alter drainage patterns upstream or downstream of the development for any storm event except when a flood control plan is approved otherwise.
 - d. We recommend the applicant be required to propose and participate in a comprehensive flood control plan to address the offsite flow in a manner that will reasonable protect the subject, adjacent properties and downstream properties, meeting with the approval of DPW.

EARTHWORK

1. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawai'i County Code.
2. The applicant shall comply with Chapter 11-55, Water Pollution Control, Hawai'i Administrative Rules, Department of Health, which requires an NPDES permit for contain construction activity.

ROADWAYS

1. The applicant should construct all connecting streets to county dedicable standards. This will remove uniformity and compliance with County regulations and ADA compliance as in the adjacent developed properties. Mixed dedicable/nondedicable improvements within a development complicates the review process. However, our comments to the requested variances are based on the assumption, as proposed by the applicant, that all of the streets within the subdivision with the exception of Paulehia Street Extension will remain private but open to public traffic. For plan review, permitting and dedication purposes, it is imperative that the eligibility of the streets for dedication is made clear in any approved variance.
2. All roadways within the proposed development shall follow the guidelines incorporated in the AASHTO Policy on Geometric Design of Highways and Streets. These roadways shall also meet the requirements of DPW. Concrete curbs, gutters, and sidewalks should be required in areas of pedestrian traffic, install street lights, signs and markings meeting with the approval of DPW, Traffic Division.
3. Any utility poles in the road right-of-way shall be installed as shown on DPW Standard Detail R-35 (Revised). The applicant shall provide any necessary easements for installation of such utilities.

VARIANCES

Section 25-4-43 Applicant shall comply with Hawai'i County Code Section 22-2-2 Intersection Sight Distance where applicable.

Section 25-5-7 Applicant shall comply with Building Code requirements for setbacks from common property lines.

Section 23-36 Per Ord 2010-002 Condition J. "Vehicular access to individual lots shall not be allowed from Hualālai Road." The applicant shall provide a 10-foot wide "No Vehicular Access Planting Screen Easement" along all Hualālai Road lot frontages except at the intersection of Hualālai Road and Paulehia Street extension (road lot). Given the available alternative, we prefer vehicular access to the lots not be from Paulehia Street because of a higher design speed and curvilinear alignment, combined with landscaping which may compromise sight distance at some driveway approaches.

Section 23-41 DPW does not object to the proposal provided the applicant meets ADA requirements for accessible route within any dedicable street. See comments to the variance request from Section 23-95.

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Section 23-45 The variance should not be applicable to the intersection of Paulehia Street Extension with Hualālai Road. For all intersections, we recommend sight distance easements be designated as needed on the final plat map to provide for obstruction-free sight distance at intersection in accordance with AASHTO guidelines for an appropriate design speed.

Section 23-48 "T" and "hammerhead" turnarounds as shown should be designed for emergency vehicles as recommended by HFD.

Section 23-50 The applicant should be required to design streets meeting with AASHTO Policy on Geometric Design of Highways and Streets for an appropriate design speed, Paulehia Street extension should have a minimum design speed of 30 mph, consistent with the existing street. We recommend 25 mph min. design speed for the other streets with connectivity. Design speed for cul-de-sacs should be 20 mph minimum.

Section 23-93 Streetlights for dedicable streets shall meet with the approval of DPW Traffic Division.

Section 23-94 DPW Traffic Division opposes any variance from signs and marking requirements on a County dedicable street. Signs and markings should be uniform, in accordance with the MUTCD, **throughout the development** to avoid confusing motorists. The County should not be delegating the maintenance of traffic signs on County streets. Traffic Division is not prepared to approve or maintain specialty signs and supports.

Section 23-95 Improvements for dedicable streets shall meet with the Americans with Disabilities Act. The applicant's Figure 7 proposes a 4 foot sidewalk width. Sidewalks for a dedicable road shall be 5 feet wide minimum to accommodate minimum passing space. Five feet provides adequate width for pedestrian passing space and for 2 pedestrians walking abreast. Construction plans shall undergo review by the Disability and Access Review Board in accordance with HRS 103-50. Where driveway ramps are permitted, DPW recommends the 36 inch wide continuous accessible route be 4 feet minimum from the curb face to allow for desirable driveway ramp construction. Although rolled curbs may be considered as an alternate, they are permitted only on minor streets where the longitudinal grade does not exceed 10%. Our experience is rolled curb in general, and rolled curb driveway approaches specifically, are more difficult to construct properly and abruptness makes them less than desirable for users. Pavers will not be approved for dedicable streets.

Please note the proposed cross sections are designed to prohibit parking along the proposed dedicable street and portions of the private streets. Lack of provision of adequate parking promotes illegal parking and disputes. Please give this issue appropriate consideration.

Should there be any questions concerning this matter, please feel free to contact Kiran

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Emler of our Kona Engineering Division office at 327-3530.

Fire Department: Memorandum dated November 22, 2010.

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 November 8, 2010.

The above-referenced application has been reviewed, and we have no comments or objections to offer at this time.

Should you have any questions, please contact Major Randy Apele at 326-4646 ext. 270.

Department of Environmental Management:

Solid Waste Comments: Memorandum dated November 3, 2011.

Recommends the following regarding solid waste:

- a. Commercial operations may not use transfer stations for disposal.
- b. Aggregates and any other construction/demolition waste should be responsibly reused to its fullest extent. Prohibited at County transfer stations.
- c. Ample and equal room should be provided for rubbish and recycling.
- d. Green waste may be transported to the green waste sites located at the Kailua and Hilo transfer stations, or other suitable diversion programs.
- e. Construction and demolition waste is prohibited at all County Transfer Stations.
- f. Submit Solid Waste Management Plan in accordance with attached guidelines.

Wastewater Comments: Memorandum dated December 8, 2010

Applicant shall conduct a sewer study in accordance with the then applicable wastewater system design standards prior to approval to connect to the County sewer system. Applicant shall provide such sewer line or other facility improvements as the Director of DEM may reasonably require, which the sewer study may indicate are advisable for mitigation of impacts of the proposed project. Contact Wastewater Division Chief for details.

Sewer System serving Pualani Estates is currently privately owned and has not been dedicated to the County.

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Department of Water Supply: Memorandum dated December 7, 2010.

“We have reviewed the subject application and our comments in our memorandum dated June 24, 2009, to you, still stand.

We would like to reiterate that water will not be made available for the applicant’s proposed 53-lot development until the necessary transmission and storage facilities, as detailed in the Agreement, have been satisfactorily completed and properly dedicated to the Water Board. Water will be made available for the proposed development from the new transmission waterline after all necessary water system improvements have been completed, in accordance with the Agreement.

Should there be any questions, please contact Mr. Ryan Quitariano of our Water Resources and Planning Branch at 961-8070, extension 256.”

Department of Parks and Recreation: Letter dated December 1, 2010

(See Letter attached to this report)

PUBLIC COMMENTS

- a. E-Mail received from Carol and Scott Fuller on December 2, 2010 opposing the PUD application.

APPROVED VARIANCES

The following variances are hereby approved:

Variances to the Zoning Code

- **Flag Lots** (Hawai‘i County Code §25-4-14). The site plan provided by the Applicant shows four proposed flag lots. This variance request will allow for flag lots below the minimum building site area of 10,000 square feet as well as allow for minimum yard setbacks (all side yards) that will be less than that required in an RS-10 zoned district. However, minimum building site area of 7,500 square feet and minimum side yards of 8 feet will be enforced to preserve a reasonable standard.
- **Minimum Building Site Area; Minimum Average Width** (Hawaii County Code §25-4-31). This variance will allow for lots as small as 6,009 square feet in lieu of the minimum 10,000 square feet lot sizes required by its RS-10 zoning designation. Aside from simply maximizing the number of lots that can be squeezed onto this Project Site, the different

shaped lots, their sizes and widths, allow for the unique street layout which develops the desired character of the neighborhood environment. Therefore, this variance is approved with the understanding that a reduction in minimum building site area is necessitated by topographic and design constraints and not simply maximizing unit count. Minimum building site average width of 60 feet is approved in lieu of the required 70 feet.

- **Reduction of Building Site below Minimum Area** (Hawai'i County Code §25-4-32). This variance will allow for lots as small as 6,009 square feet in lieu of the minimum 10,000 square feet lot sizes required by its RS-10 zoning designation.
- **General Requirements for Yards and Open Spaces** (Hawai'i County Code §25-4-40 (a) and (c)). This variance will allow the application of only one front yard setback on corner lots, which typically have two front yards. In lieu of two front yards, a front and side yard setback will be applied. Since the roadway system is privately owned and maintained, and due to the comprehensive design applied to the subdivision layout, we have no objection to this request under the condition that the application of yards and setbacks, as provided by the PUD, is limited to the configurations shown on Exhibits 2 to 11.
- **Corner Building Sites** (Hawai'i County Code §25-4-42). Allow for the designation of front and side property lines for corner lots which do not follow the typical standards for application. We do not have any objection to granting of this variance under the conditions that the application of yards and setbacks, as provided by the PUD, is limited to the configurations shown on Exhibits No. 2 to 11.
- **Minimum building Site Average Width** (Hawai'i County Code §25-5-6). The Zoning Code specifies that RS-10 zoned parcels maintain a minimum building site average width of 70 feet. This variance is granted to allow for a minimum building site average width of no less than 60 feet, which is consistent with lots required to have a minimum lot size of 7,500 square feet, which generally matches the applicant's proposed lots. Measurements taken using the Applicant's site plan do not reflect any lots that are unable to meet a minimum 60-foot building site average width.
- **Minimum Yards** (Hawai'i County Code §25-5-7). The minimum yards in the RS-10 zoned district are 20 feet from the front and rear property boundaries and 10 feet from the side property boundaries. Exhibits 2 through 11 reflect the various applications of minimum front yards, no less than 10 feet, from existing road right-of-way set back line. A minimum of 20 feet setback be maintained between the face of a garage and front lot line to provide sufficient depth for a parking stall. Side yards no less than 8 feet will be permitted in lieu of the standard 10-foot setback so that each structure will have at least 16 feet between them. Applicant shall comply with Building Code requirements for setbacks from common property lines.

Variances to the Subdivision Code

- **Lot Side Lines** (Hawai'i County Code §23-35). Applicant is requesting that lot side lines, which should run at right angles to the street as far as practicable, be waived in order to maintain a more rectangular shape to the proposed lots, thereby accommodating a better building site configuration. Note that this section of code already provides flexibility for such design consideration, but we will agree to this variance provided that reasonable attempts are made to comply with this section of the code.
- **Minimum Right-of-Way and Pavement Widths** (Hawai'i County Code §23-41). The Applicant is requesting a variance from the minimum rights-of-way widths for its internal, minor-type roadway. The requested variances are related to right-of-way widths, the use of medians and traffic calming features within the right-of-way, and curb/gutter details. We support the issuance of these variances for these internal subdivision roadways, which are considered private streets. The request is for the project's interior roads while the County dedicable north south connector shall remain a County dedicable 50 foot right-of-way with two drive lanes of 11 feet each. Applicant to meet ADA requirements for accessible route within any dedicable street.
 - **Minor Street (46' wide road right-of-way in lieu of 50' ROW-Figure 8)**. The proposed standards for the 46-foot wide minor street-type private roadway with 22 feet of pavement will deviate from the minimum 50-foot wide ROW specified by DPW Standard Detail R-32. The Applicant is proposing a minimum pavement width of 22 feet with curbing (no gutter unless required for drainage). The proposed minimum 22-foot wide pavement, which does meet County standards, will provide opportunities for a landscaped road right-of-way while still accommodating two way vehicular traffic. A 4-foot wide sidewalk will be permitted subject to DCAB review and PW approval for compliance with ADA standards.
- **Intersection Angles: Corner Radius** (Hawai'i County Code §23-45). Applicant requests that intersections within the private roadway easements have a minimum corner radius of 10 feet, subject to sight distance requirements at the pavement line with the actual pavement having a radius of no less than 20 feet. This variance is approved on the basis that these reduced corner radiuses will occur only at those intersections within the private subdivision internal access road system and should not be applicable to the intersection of Paulehia Street Extension and Hualālai Road.
- **Cul-de-sacs** (Hawai'i County Code §23-48). Applicant requests variance from the requirement for a turn-around at the end of a cul-de-sac that has less than the required 45-foot radius turnaround. We have no objections to this variance as the short distance of these cul-

de-sacs and curbless shoulders should provide ample opportunities for any vehicle to turn around if additional turning space is necessary. However, the Applicant shall consult with the Fire Department to ensure that this alternative cul-de-sac design will meet with their approval. No variance from the maximum 18-lot limit along cul-de-sacs is necessary since the Applicant's subdivision layout is compliant with this requirement. The deviations are limited to the exhibits as included within this PUD Permit.

- **Grades and Curves** (Hawai'i 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, but in a manner as generally represented in the Applicant's master plan. *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.* The geometric design of the streets should be based on the AASHTO Guidelines for Geometric Design of Low Volume Roads (average daily traffic volume of less than 400 vehicle trips per day).
- **Street lights** (Hawai'i County Code §23-93). Applicant requested design flexibility in the placement and type of street lights permitted within the internal subdivision road rights-of-way. The Applicant proposes the use of custom street lighting fixtures within the privately-owned roadways within the Project site (see Exhibit No. 20). Due to the limited number of lots to be serviced by the private internal subdivision roadway, a reduction in the number of lights would help to impart a more consistent rural type of feel 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 is in compliance with the applicable standards of Chapter 14, Article 9, Hawai'i County Code.* This deviation will only be permitted within that section of roadway to be privately owned and maintained. The Homeowner's Association shall maintain the project's street lights located on all privately-owned streets.
- **Street Names & Traffic Signs** (Hawai'i County Code §23-94). Approved to allow use of custom street name and traffic signs that will reinforce the desired character of the proposed residential neighborhood and its design goals (see Exhibit No 21). While this variance will allow these signs to deviate from standard specifications, it must still meet AASHTO specifications. This deviation will only be permitted within that section of roadway to be privately owned and maintained. The Homeowner's Association shall maintain the project's street name and traffic signs located on all the streets.

- **Right of way Improvement** (Hawai'i 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 22 – 26. The Homeowner's Association shall maintain the landscape planting areas and street trees located in all the project's street right-of-ways.

Variations Not Issued

- **Fences and Accessory Structures** (Hawai'i County Code §25-4-43). This requested variance is not being issued because retaining walls can be over 6 feet in height from the road grade provided that the final height of the retaining wall is not over 6 feet from the finished elevation of the lot.
- **Through Lots; Planting Screen Easements** (Hawai'i County Code §23-36). This requested variance is not being issued for the following reasons. Through lots may be permitted, at the discretion of the Director, due to topographic constraints which exist on the Property. A planting screen easement is a mechanism that is appropriate to ensure that direct access from Hualālai Road is prohibited. Condition J of Ord 2010-002 states; "Vehicular access to individual lots shall not be allowed from Hualālai Road." The applicant does not sufficiently explain why relief from this requirement is appropriate.

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 is ready to start development as soon as final subdivision approval is issued, with infrastructural improvements and basic grading done to accommodate home construction within twelve (12) months from the issuance of final subdivision approval. The Applicant anticipates that sales for the entire development will be completed within 2-3 years after the lots are made available, subject to market conditions.

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

The proposed residential lots are consistent with the General Plan LUPAG Map designation for the Property of Urban Expansion. The proposed lots are consistent with the General Plan Land Use and Housing goals and policies by providing a diversity of housing choices to meet

a range of housing needs and designing in accordance with the environment. Urban Expansion allows for a mix of high density, medium density, low density, industrial, industrial-commercial and/or open designations in areas where new settlements may be desirable, but where the specific settlement pattern and mix of uses have not yet been determined. Thus, the proposed development would be consistent with the General Plan land use designation and will be in harmony with the character of the surrounding neighborhood and result in an intensity of land utilization no higher than as permitted or as otherwise specified for the district in which this proposed development occurs. This project will simply add to a diverse mix of uses within this immediate area.

The Kona Community Development Plan (KCDP), adopted by the County Council on September 25, 2008 identifies the property as located in the Urban Area. The property is consistent with the Land Use and Transportation policies in the KCDP, as the property is considered an "infill" rezoning. In addition, the project will provide a north-south connector road through the development.

- 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 53-lot residential subdivision will provide a density that will not exceed the maximum density permitted by zoning, which is calculated at 62 lots across the entire 14.437 acre Project Site. With the approval of this PUD, it will allow the Applicant to configure its proposed lots and roadways to realize the type of residential use that is generally consistent with uses within this particular area of North Kona. This PUD will allow the Applicant this opportunity, which we believe is reasonable and will not compromise existing and potential land uses within the surrounding area. In fact, given its close proximity to Kailua Village and the availability of supporting uses and facilities, this area could be appropriate for supporting even higher residential densities and uses than that being proposed by the Applicant.

- 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 project is designed to address the needs and lifestyle of those residents who want to live in a residential community that promotes social interaction, encourages outdoor activities, and is pedestrian oriented. The project consist of 53 single family residential lots with a

streetscape designed to create a sense of place reminiscent of our older, more traditional neighborhoods. Emphasis is placed on the design of the streets to provide a safe setting for pedestrians and to mitigate the speed of the automobile.

The granting of this PUD will allow for greater flexibility in addressing design and aesthetic issues. It will allow for a roadway system that promotes a landscaping and casual pedestrian movements rather than the more efficient, but visually unappealing, system of widely paved roadways and constructed sidewalks.

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, including those conditions within Change of Zone Ordinance No. 10-002. Should a conflict arise between the requirements of this PUD and Change of Zone Ordinance No. 10-002, the requirements of the change of zone ordinance, as may be amended from time to time, shall prevail.
2. *Master Plan and Street Layout.* The proposed Planned Unit Development shall be developed in a manner as substantially represented within exhibits and figures attached to this Planned Unit Development Permit.
3. *Roadway Design Guidelines.* All roadways not required to be constructed to County-dedicable standards shall follow the guidelines incorporated in the Hawai'i Statewide Uniform Design Manual for Streets and Highways or the applicable AASHTO design guide for the appropriate design speed. The geometric design of the interior subdivision access road should be based on the AASHTO Guidelines for Geometric Design of Low Volume Roads. Utility poles within these subdivision roads shall conform to DPW Standard Detail R-39 (revised).
4. *Construction Plan Review by Fire Department.* The Applicant shall consult with the Fire Department to ensure conformance of roads within the Project Site to 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.
5. *No Additional Dwellings.* The Applicant shall record a declaration affecting all proposed lots within the Planned Unit Development which 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 declaration 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.

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Riehm Owensby Planners Architects
Page 16
April 29, 2011

6. *Compliance with Other Rules and Conditions.* The applicant shall comply with all other applicable rules, regulations and requirements. Other applicable conditions set forth under the "Approved Variances" section of this letter are incorporated herein as conditions of approval.
7. *Time Extension.* Pursuant to Section 25-2-7 of the Zoning Code, an application for the subdivision of the Property in accordance with the terms and approvals granted by this PUD Permit shall be submitted to and accepted by the Planning Department within two years from the date of this permit. If the applicant should require an extension of time, the applicant may request a time extension pursuant to Section 25-6-14 (Time extensions and amendments).

Should any of the conditions fail to be met or substantially complied with in a timely fashion, the Director shall initiate the nullification of the Planned Unit Development Permit.

Sincerely,



BJ LEITHEAD TODD
Planning Director

LHN: nci
O:\PUD Permits\2008\PUD-10-000018Alaneo\PUD-10-000018Alaneo.doc

xc: Department of Public Works, Building Division
Department of Public Works, Engineering (Hilo and Kona)
Department of Water Supply
Fire Department
West Hawai'i Planning Office
Carlsmith Ball LLC

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Riehm Owensby Planners Architects
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April 29, 2011



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

December 7, 2010

TO: Ms. BJ Leithead-Todd, Planning Director
Planning Department

FROM: Milton D. Pavao, Manager-Chief Engineer

SUBJECT: **PLANNED UNIT DEVELOPMENT APPLICATION (PUD 10-000018)**
APPLICANT – HU KO PA, LLC
TAX MAP KEY 7-5-017:042

PLANNING DEPT.
GENERAL MGR.
2310 DEC -7 PM 2:51

We have reviewed the subject application and our comments in our memorandum dated June 24, 2009, to you, still stand.

We would like to reiterate that water will not be made available for the applicant's proposed 53-lot development until the necessary transmission and storage facilities, as detailed in the Agreement, have been satisfactorily completed and properly dedicated to the Water Board. Water will be made available for the proposed development from the new transmission waterline after all necessary water system improvements have been completed, in accordance with the Agreement.

Should there be any questions, please contact Mr. Ryan Quitoriano of our Water Resources and Planning Branch at 961-8070, extension 256.

Sincerely yours,

Milton D. Pavao, P.E.
Manager-Chief Engineer

RQ:dfg

copy – Hu Ko Pa, LLC

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Riehm Owensby Planners Architects
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April 29, 2011

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII


PLANNING DEPARTMENT K
COUNTY OF HAWAII

2010 DEC -9 PM 3:42

DATE: December 7, 2010

Memorandum

TO : B.J. Leithead-Todd, Planning Director
Planning Department

FROM : Ben Ishii, Acting Division Chief 
Engineering Division

SUBJECT : Planned Unit Development Application (PUD 10-000018)
Alaneo PUD
Applicant: Rheim Owensby Planners Architects
Owner: Hu Ko Pa, LLC
Location: Kahului 2nd N. Kona Hawaii
TMK: 3/ 7-5-017:042

We reviewed the subject application and Ordinance 2010-002 and our comments are as follows:

The applicant shall comply with the conditions of Ordinance 2010-002.

BUILDING

1. Buildings shall conform to all requirements of code and statutes pertaining to building construction.

DRAINAGE

1. All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties. A drainage study shall be prepared, and the recommended drainage system shall be constructed meeting with the approval of DPW.
2. 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.

068301

Memorandum to PD- PUD 10-000018
December 7, 2010
Page 2 of 4

offsite flow will impact the subject property. A Preliminary Drainage Report acknowledges the potential for offsite runoff and proposes mitigation on Parcel 43. The final drainage study shall address offsite storm water and the proposed development plans shall be prepared such that:

- a. Proposed building sites and infrastructure will be reasonably safe from flooding and designed to minimize exposure to flood damage.
- b. Pre-development storm water quality shall not be degraded nor storm water quantities or peak flows increased from development or from channelization which reduces natural infiltration.
- c. The proposed development shall not alter drainage patterns upstream or downstream of the development for any storm event except when a flood control plan is approved otherwise.
- d. We recommend the applicant be required to propose and participate in a comprehensive flood control plan to address the offsite flow in a manner that will reasonably protect the subject, adjacent properties and downstream properties, meeting with the approval of the DPW.

EARTHWORK

1. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawaii County Code.
2. 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 activity.

ROADWAYS

1. The applicant should construct all connecting streets to County dedicable standards. This will promote uniformity and compliance with County regulations and ADA compliance as in the adjacent developed properties. Mixed dedicable/nondedicable improvements within a development complicates the review process. However, our comments to the requested variances are based on the assumption, as proposed by the applicant, that all of the streets within the subdivision with the exception of Paulehia Street Extension will remain private but open to public traffic. For plan review, permitting and dedication purposes, it is imperative that the eligibility of the streets for dedication is made clear in any approved variance.
2. All roadways within the proposed development shall follow the guidelines incorporated in the AASHTO Policy on Geometric Design of Highways and Streets. These roadways shall also meet the requirements of DPW. Concrete curbs, gutters, and sidewalks should be required in areas of pedestrian traffic. Install street lights, signs and markings meeting with the approval of the DPW, Traffic Division.

Memorandum to PD- PUD 10-000018
December 7, 2010
Page 3 of 4

3. Any utility poles in the road right-of-way shall be installed as shown on DPW Standard Detail R-35 (Revised). The applicant shall provide any necessary easements for installation of such utilities.

VARIANCES

Section 25-4-43 Applicant shall comply with Hawaii County Code Section 22-2.2 Intersection Sight Distance where applicable.

Section 25-5-7 Applicant shall comply with Building Code requirements for setbacks from common property lines.

Section 23-36 Per Ord 2010-002 Condition J, "Vehicular access to individual lots shall not be allowed from Hualalai Road." The applicant shall provide a 10-foot wide "No Vehicular Access Planting Screen Easement" along all Hualalai Road lot frontages except at the intersection of Hualalai Road and Paulehia Street extension (road lot). Given available alternate, we prefer vehicular access to the lots not be from Paulehia Street because of a higher design speed and curvilinear alignment, combined with landscaping which may compromise sight distance at some driveway approaches.

Section 23-41 DPW does not object to the proposal, provided the applicant meets ADA requirements for accessible route within any dedicable street. See comments to the variance request from Section 23-95.

Section 23-45 The variance should not be applicable to the intersection of Paulehia Street Extension with Hualalai Road. For all intersections, we recommend sight distance easements be designated as needed on the final plat to provide for obstruction-free sight distance at intersections in accordance with AASHTO guidelines for an appropriate design speed.

Section 23-48 "T" and "hammerhead" turnarounds as shown should be designed for emergency vehicles as recommended by HFD.

Section 23-50 The applicant should be required to design streets meeting with AASHTO Policy on Geometric Design of Highways and Streets for an appropriate design speed. Paulehia Street extension should have a minimum design speed of 30 mph, consistent with the existing street. We recommend 25 mph min. design speed for the other streets with connectivity. Design speed for cul-de-sacs should be 20 mph minimum.

Section 23-93 Streetlights for dedicable streets shall meet with the approval of DPW Traffic Division.

Section 23-94 DPW Traffic Division opposes any variance from signs and marking requirements on a County dedicable street. Signs and markings should be uniform, in accordance with the MUTCD, **throughout the development** to avoid confusing motorists. The County should not be delegating the maintenance of traffic signs on County streets. Traffic Division is not prepared to approve or maintain specialty signs and supports.

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Riehm Owensby Planners Architects
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Memorandum to PD- PUD 10-000018
December 7, 2010
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Section 23-95 Improvements for dedicable streets shall meet with the Americans with Disabilities Act. The applicant's Figure 7 proposes a 4 foot sidewalk width. Sidewalks for a dedicable road shall be 5 feet wide minimum to accommodate minimum passing space. Five feet provides adequate width for pedestrian passing space and for 2 pedestrians walking abreast. Construction plans shall undergo review by the Disability and Access Review Board in accordance with HRS103-50. Where driveway ramps are permitted, DPW recommends the 36 inch wide continuous accessible route be 4 feet minimum from the curb face to allow for desirable driveway ramp construction. Although rolled curbs may be considered as an alternate, they are permitted only on minor streets where the longitudinal grade does not exceed 10%. Our experience is, rolled curb in general, and rolled curb driveway approaches specifically, are more difficult to construct properly and abruptness makes them less than desirable for users. Pavers will not be approved for dedicable streets.

Please note the proposed cross sections are designed to prohibit parking along the proposed dedicable street and portions of the private streets. Lack of provision of adequate parking promotes illegal parking and disputes. Please give this issue appropriate consideration.

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530.

KE

copy: ENG-HILO/KONA

Exhibit 1: Yard Designation Variance Request - Zoning Code

Request:

The Petitioner request the yards be designated as indicated in Exhibits 1 to 11. Below is the reference site plan indicating lot location and lot number for referral to exhibits 2 to 11:

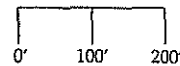
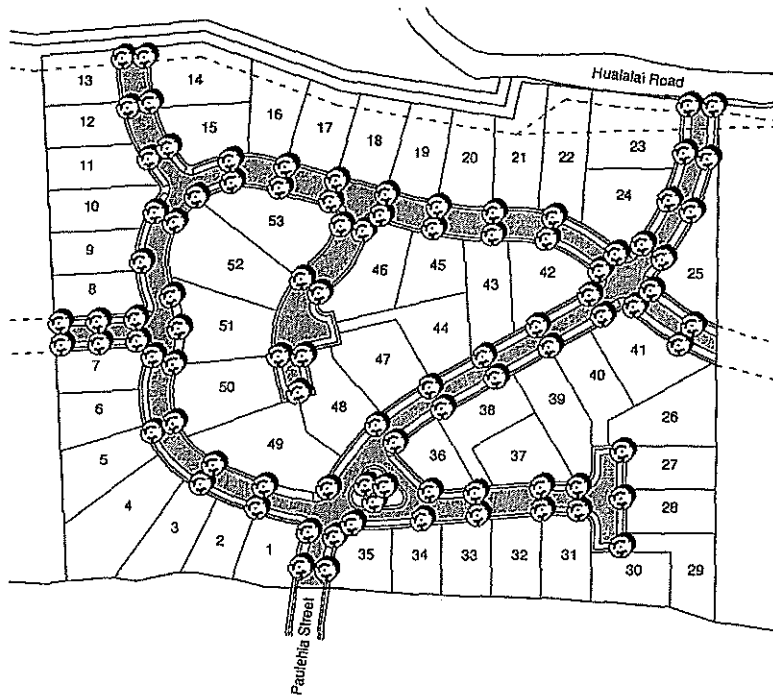


Exhibit 2: Yard Designation

Variance Request - Zoning Code

Request:

The Petitioner request the front, rear, and side yards be designated as indicated below for lots 1 through 7.

(See Exhibit No. 1, page 8-24, for lot location in project)

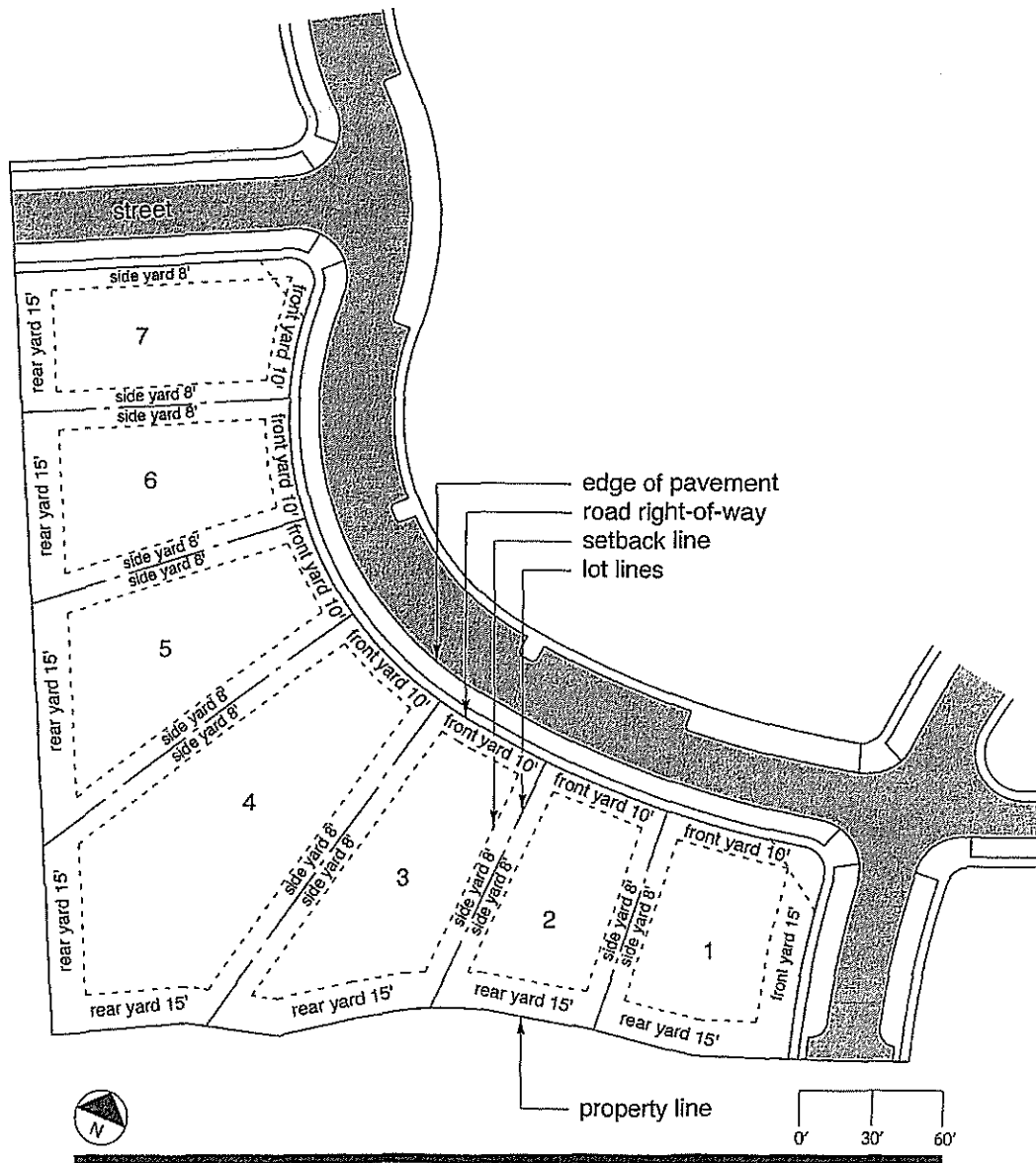


Exhibit 3: Yard Designation Variance Request - Zoning Code

Request:

The Petitioner request the front, rear, and side yards be designated as indicated below for lots 8 through 17.

(See Exhibit No. 1, page 8-24, for lot location in project)

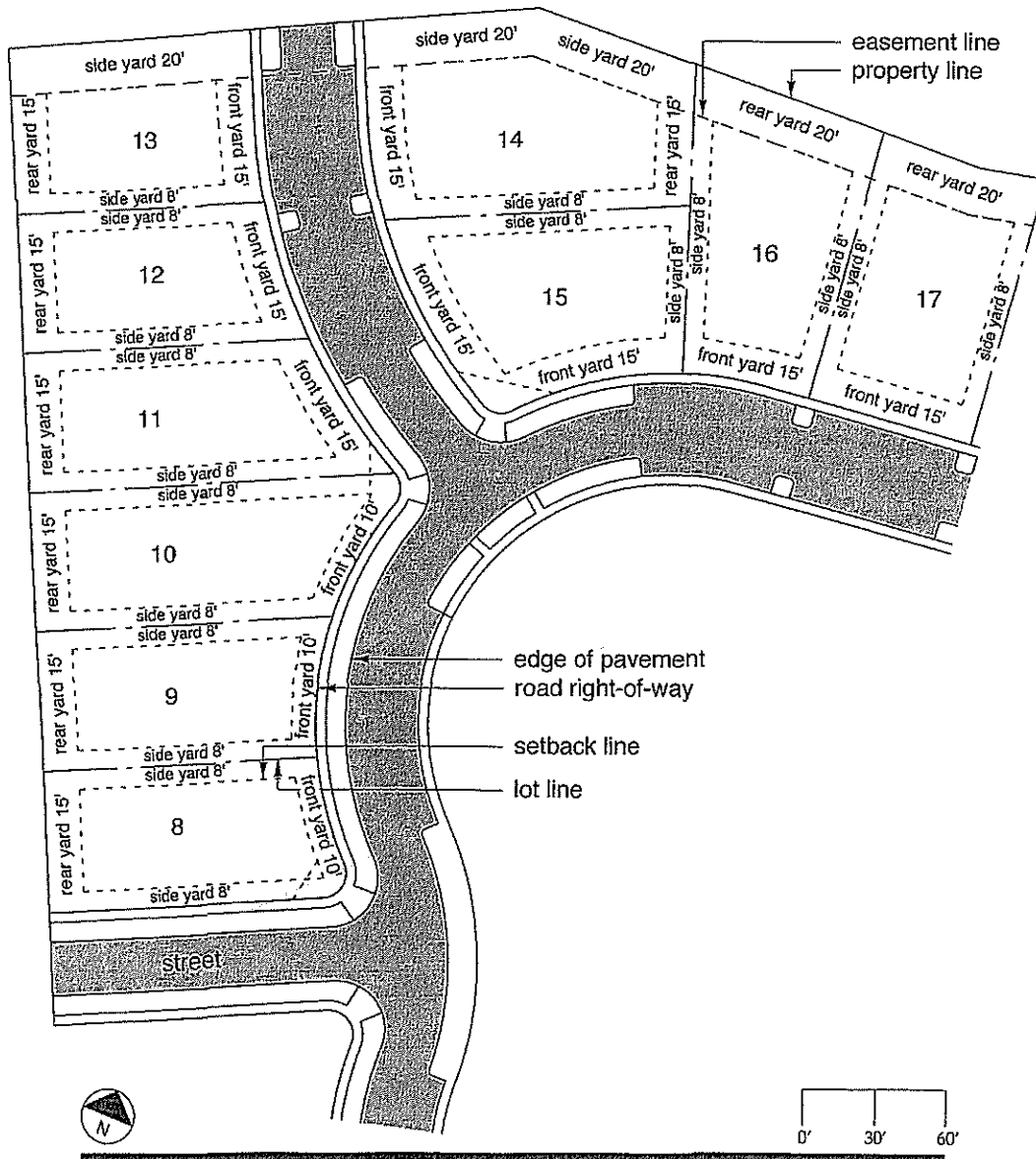


Exhibit 4: Yard Designation Variance Request - Zoning Code

Request:
The Petitioner request the front, rear, and side yards be designated as indicated below for lots 18 through 22.

(See Exhibit No. 1, page 8-24, for lot location in project)

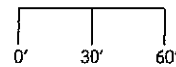
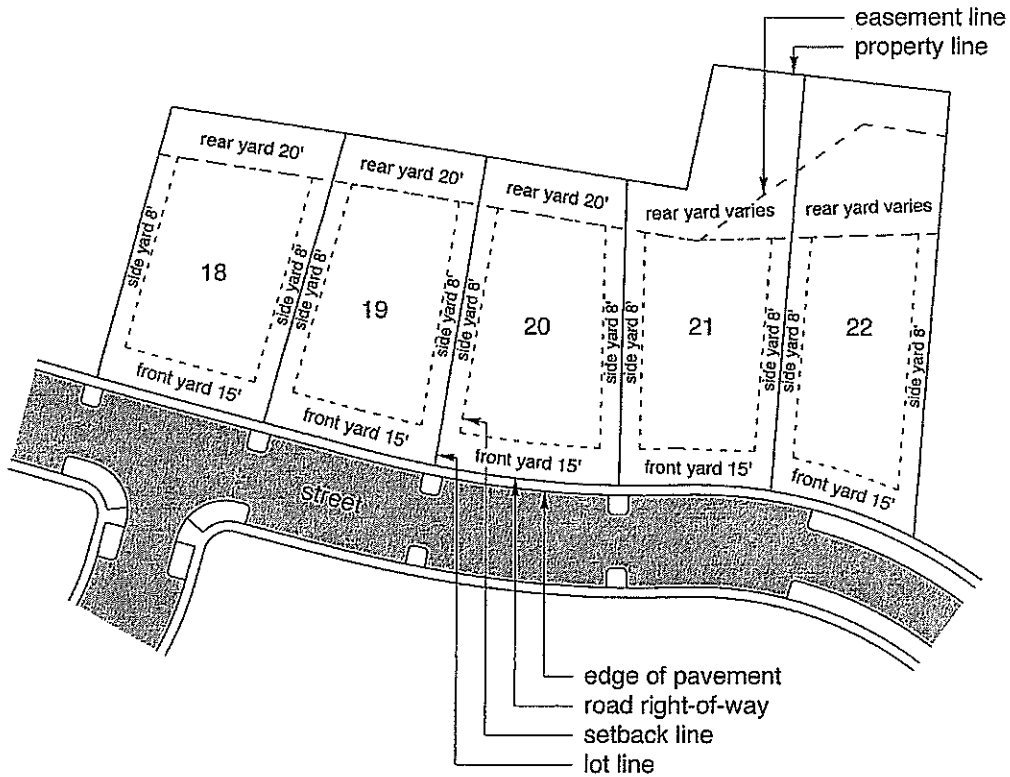


Exhibit 5: Yard Designation

Variance Request - Zoning Code

Request:

The Petitioner request the front, rear, and side yards be designated as indicated below for lots 23 through 24.

(See Exhibit No. 1, page 8-24, for lot location in project)

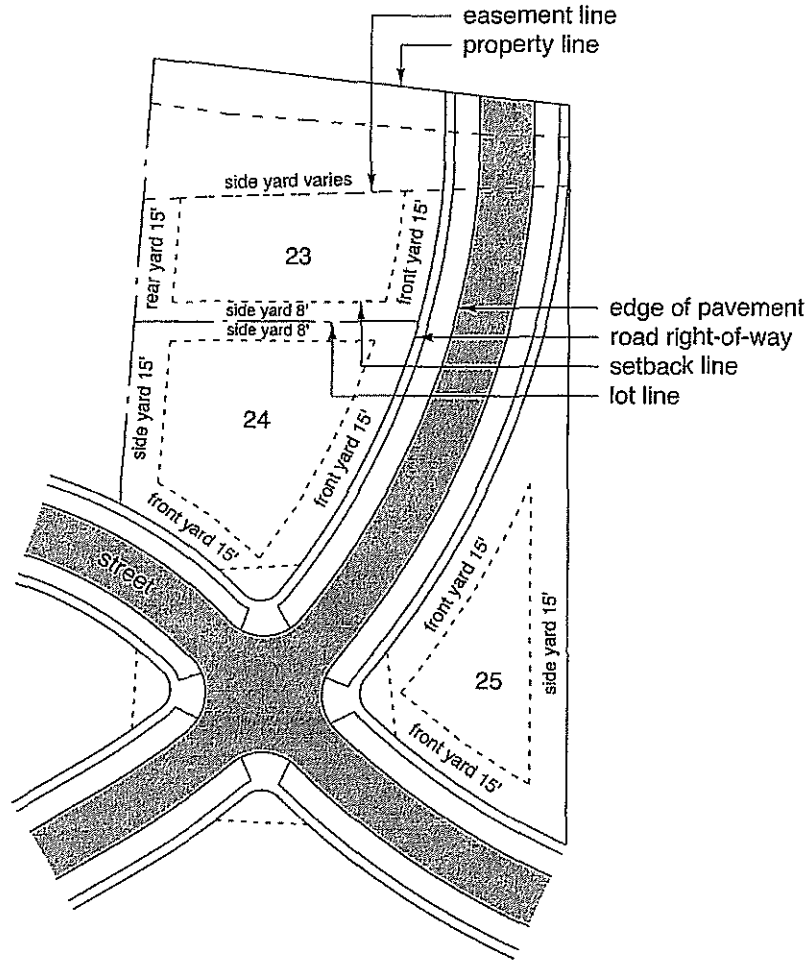


Exhibit 6: Yard Designation Variance Request - Zoning Code

Request:
The Petitioner request the front, rear, and side yards be designated as indicated below for lots 26 through 32.

(See Exhibit No. 1, page 8-24, for lot location in project)

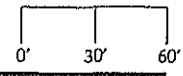
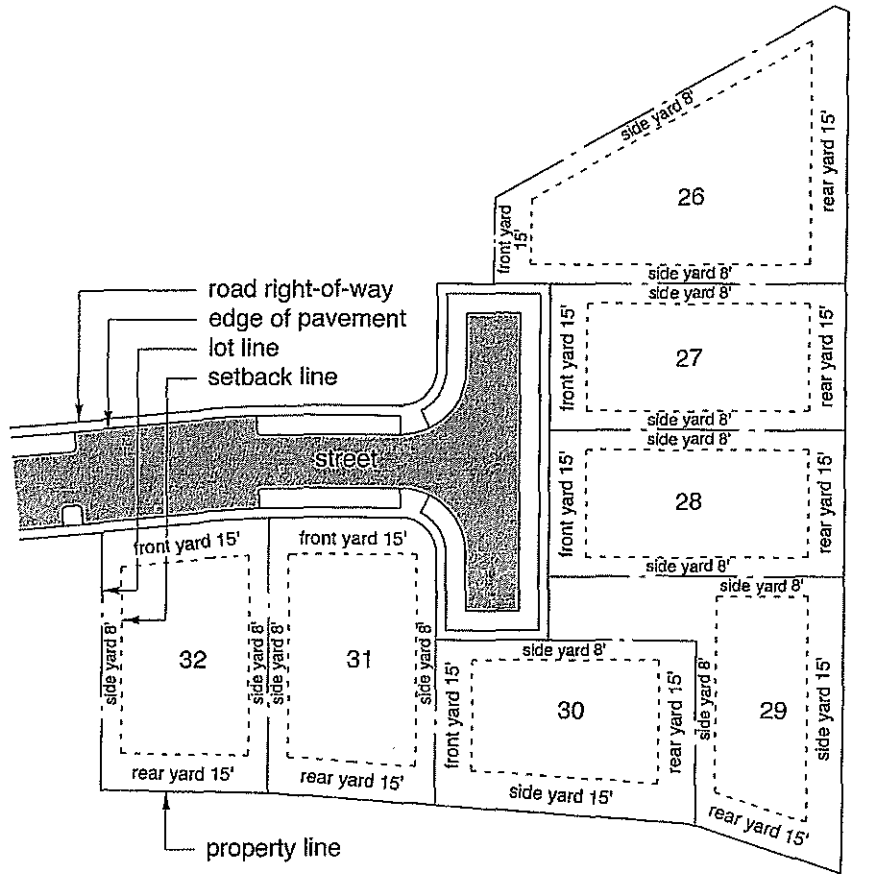


Exhibit 7: Yard Designation

Variance Request - Zoning Code

Request:

The Petitioner request the front, rear, and side yards be designated as indicated below for lots 33 through 35.

(See Exhibit No. 1, page 8-24, for lot location in project)

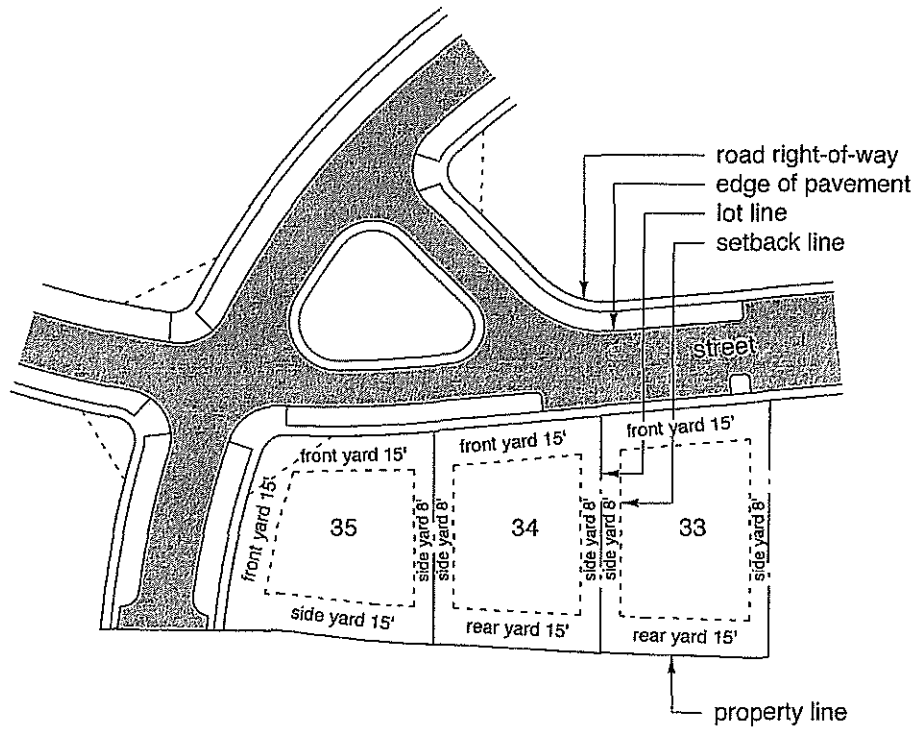


Exhibit 8: Yard Designation

Variance Request - Zoning Code

Request:

The Petitioner request the front, rear, and side yards be designated as indicated below for lots 36 through 41.

(See Exhibit No. 1, page 8-24, for lot location in project)

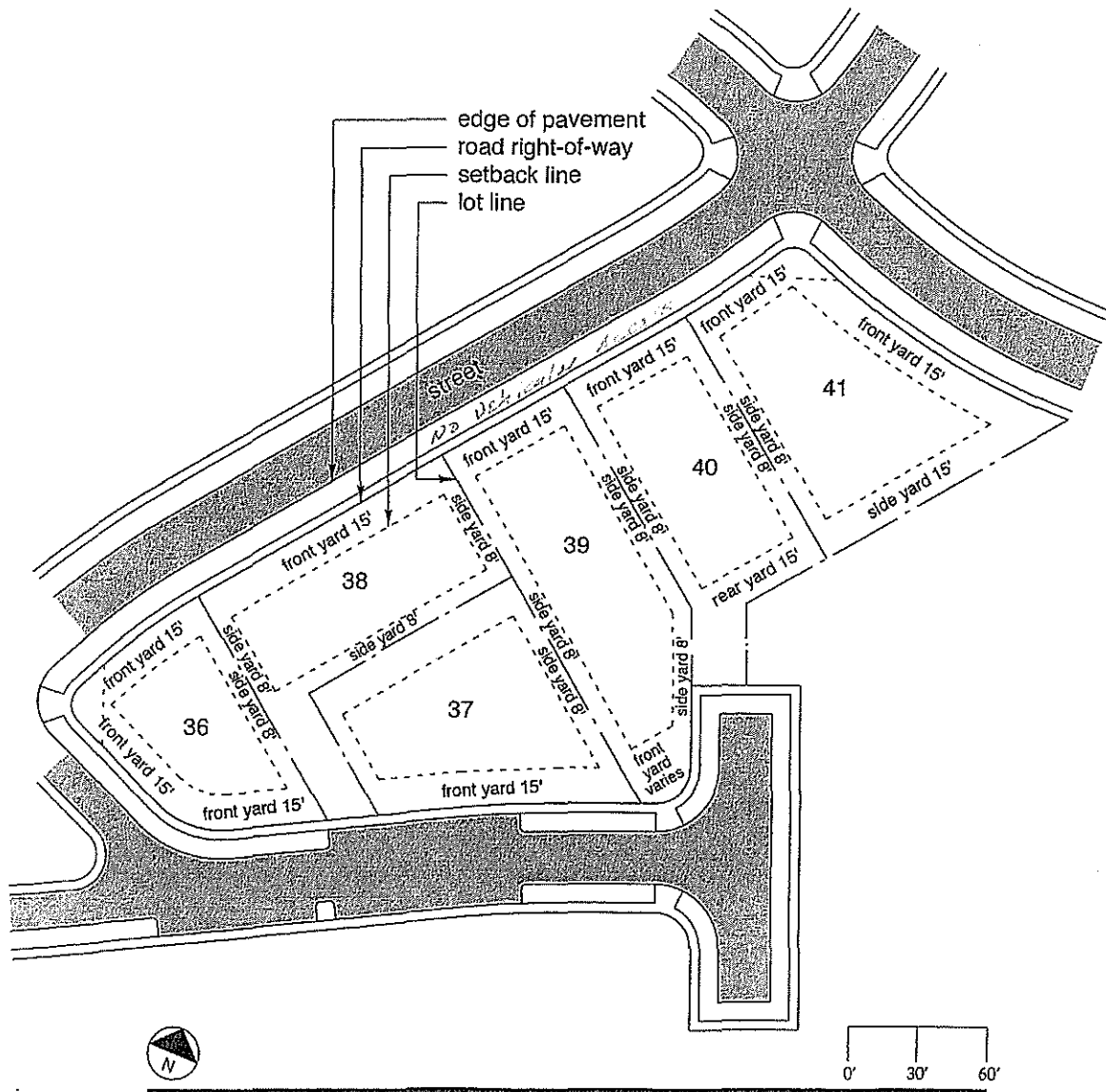


Exhibit 9: Yard Designation Variance Request - Zoning Code

Request:
The Petitioner request the front, rear, and side yards be designated as indicated below for lots 42 through 48.

(See Exhibit No. 1, page 8-24 for lot location in project)

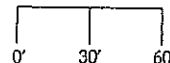
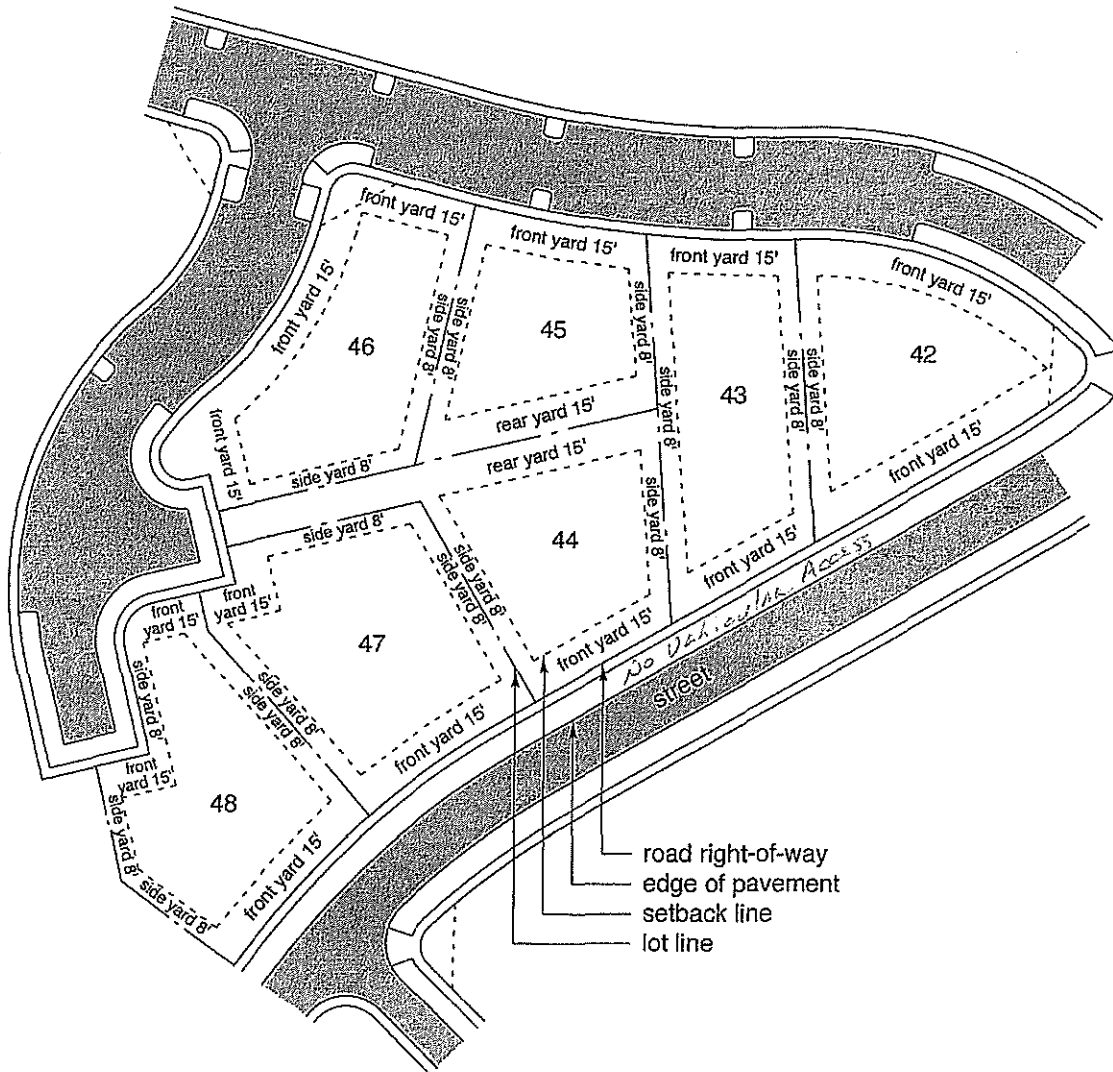


Exhibit 10: Yard Designation

Variance Request - Zoning Code

Request:

The Petitioner request the front, rear, and side yards be designated as indicated below for lots 49 through 51.

(See Exhibit No. 1, page 8-24, for lot location in project)

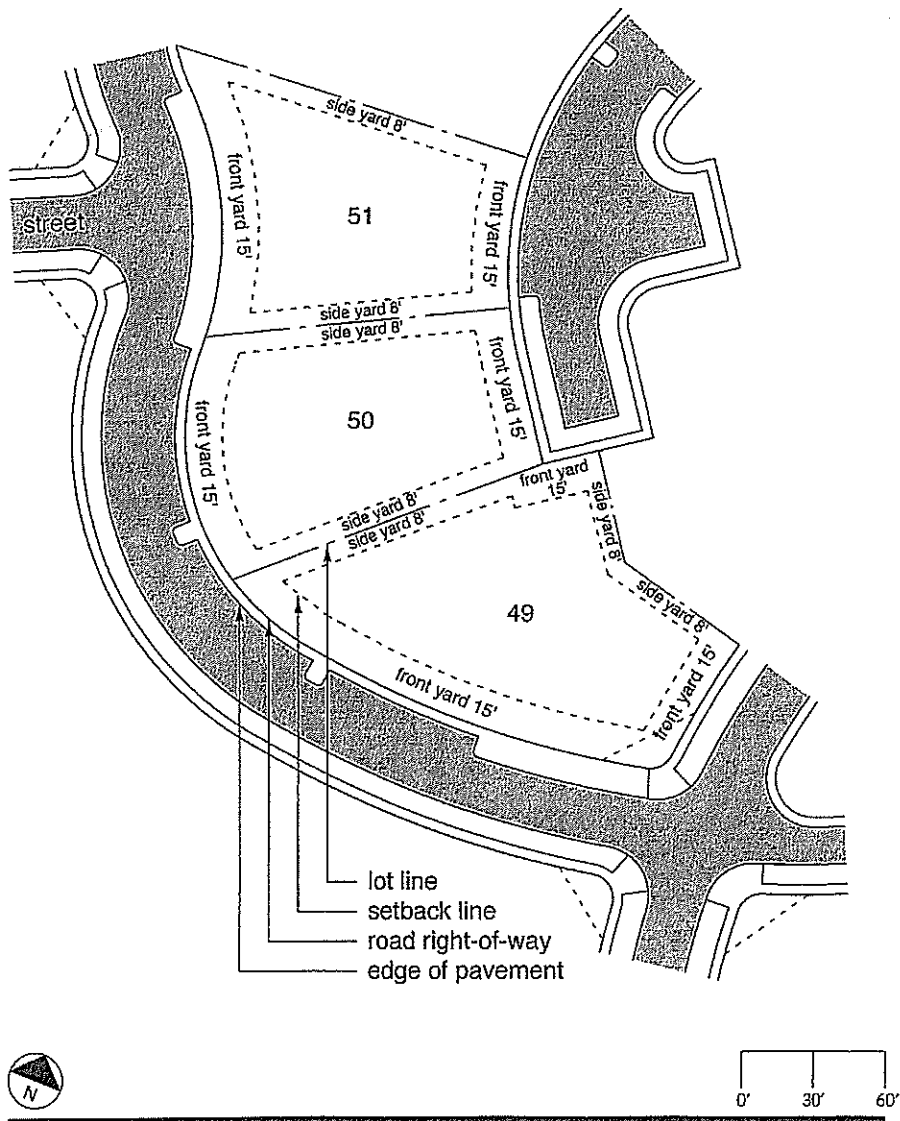


Exhibit 11: Yard Designation

Variance Request - Zoning Code

Request:

The Petitioner request the front, rear, and side yards be designated as indicated below for lots 52 through 53.

(See Exhibit No. 1, page 8-24, for lot location in project)

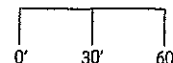
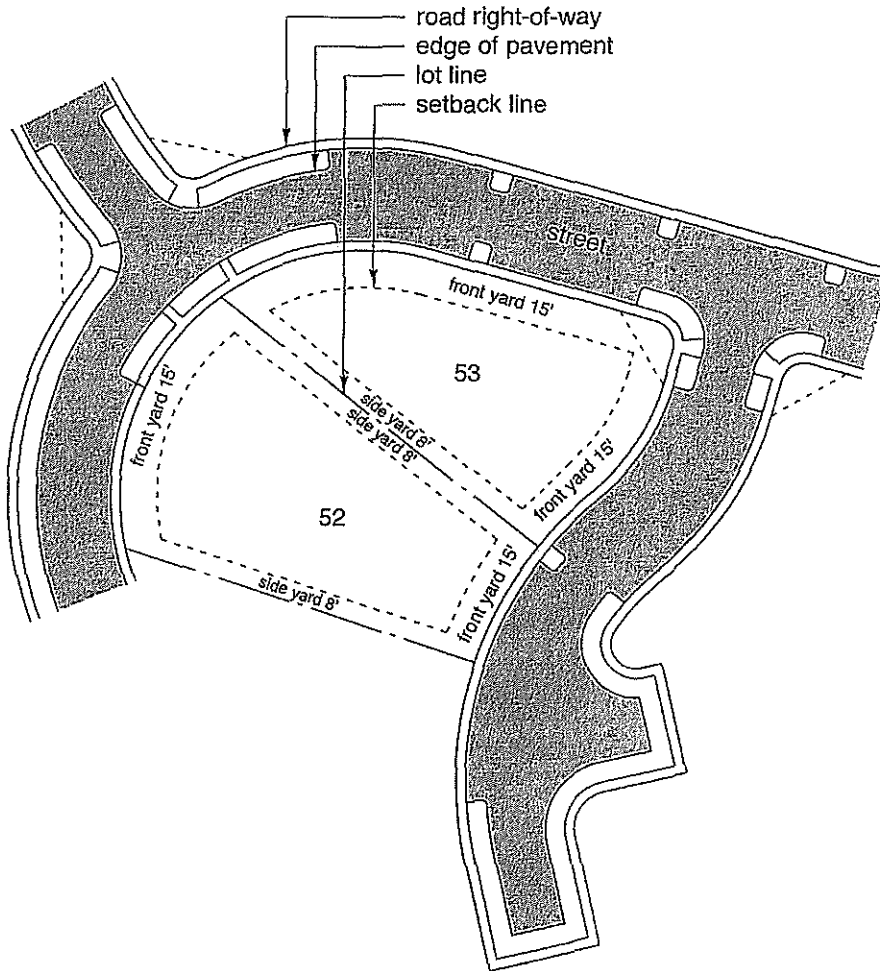


Exhibit 12: Intersection Angles; Corner Radius Variance Request - Subdivision Code

Request:

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

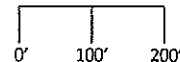
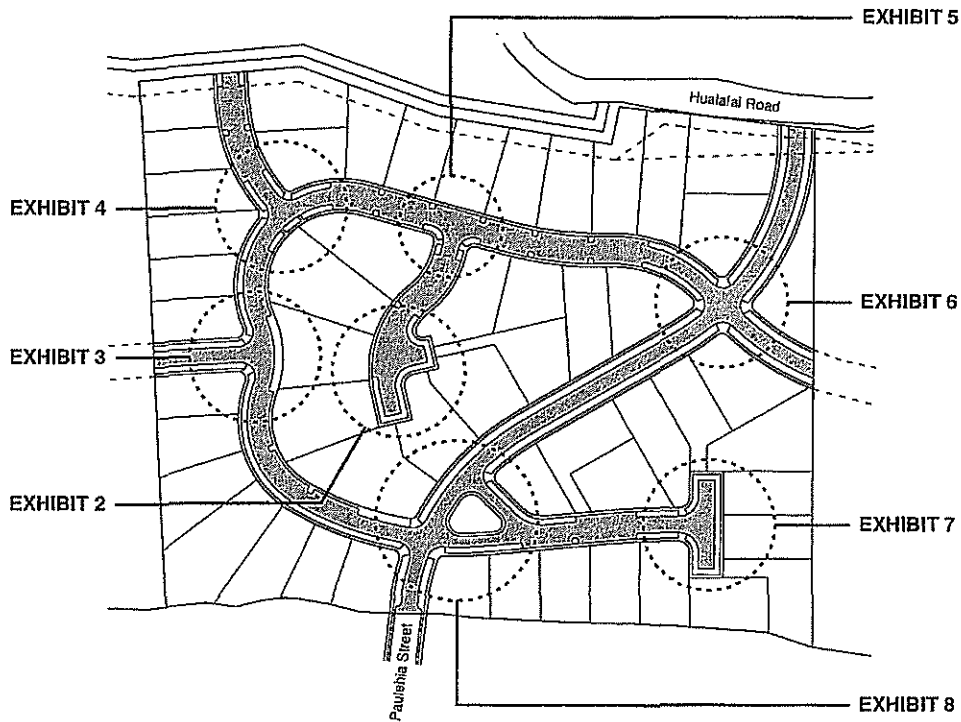


Exhibit 14: Intersection Angles; Corner Radius

Variance Request - Subdivision Code

Request:

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

(See Exhibit No. 12, page 8-35, for location in project)

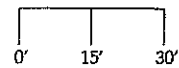
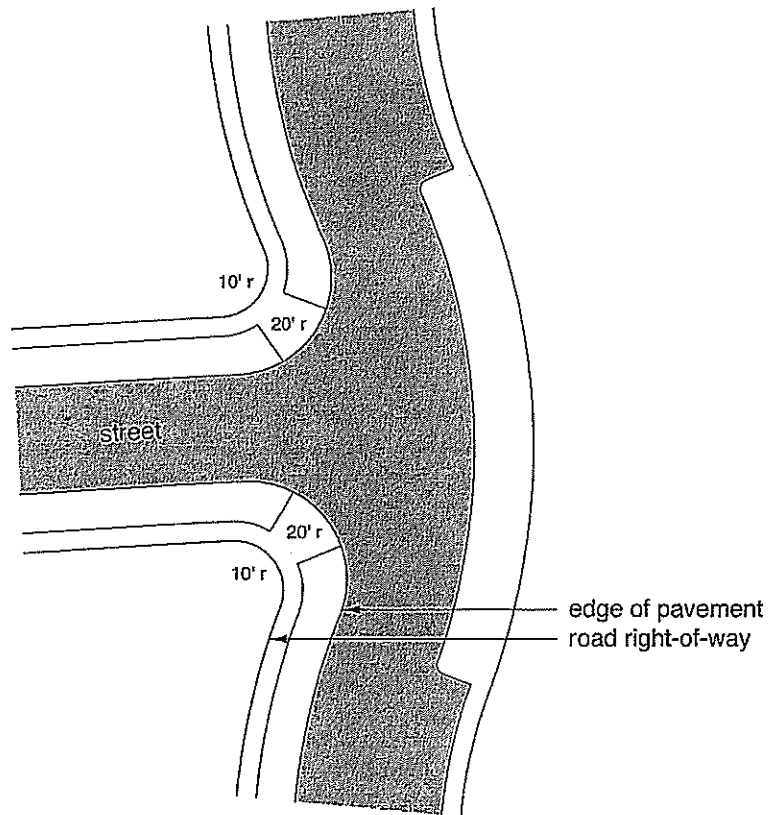


Exhibit 15: Intersection Angles; Corner Radius Variance Request - Subdivision Code

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

(See Exhibit No. 12, page 8-35, for location in project)

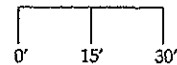
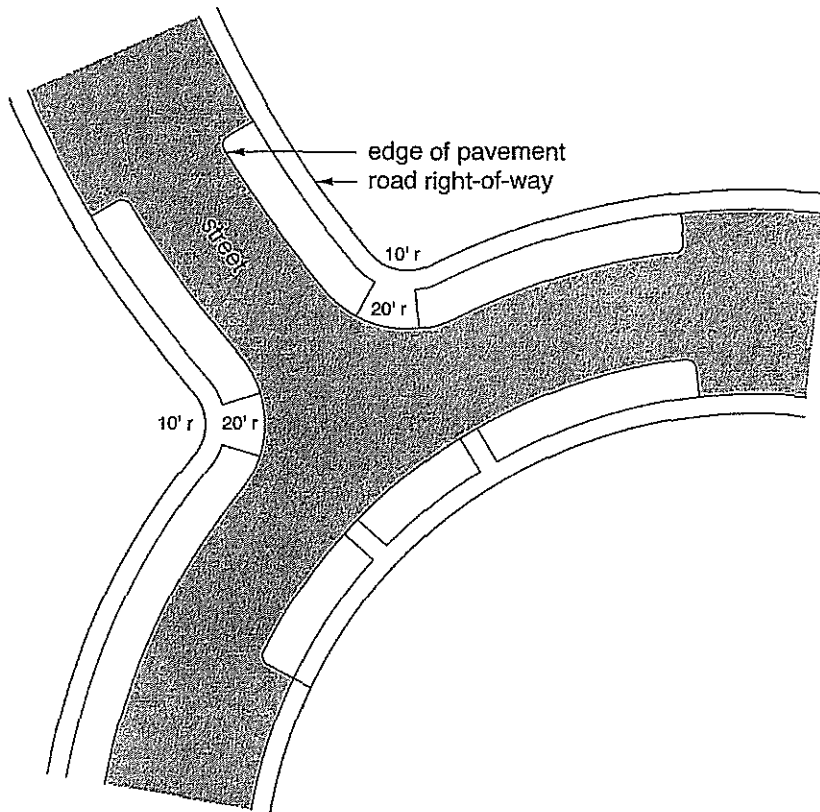


Exhibit 16: Intersection Angles; Corner Radius Variance Request - Subdivision Code

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

(See Exhibit No. 12, page 8-35, for location in project)

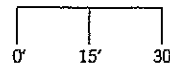
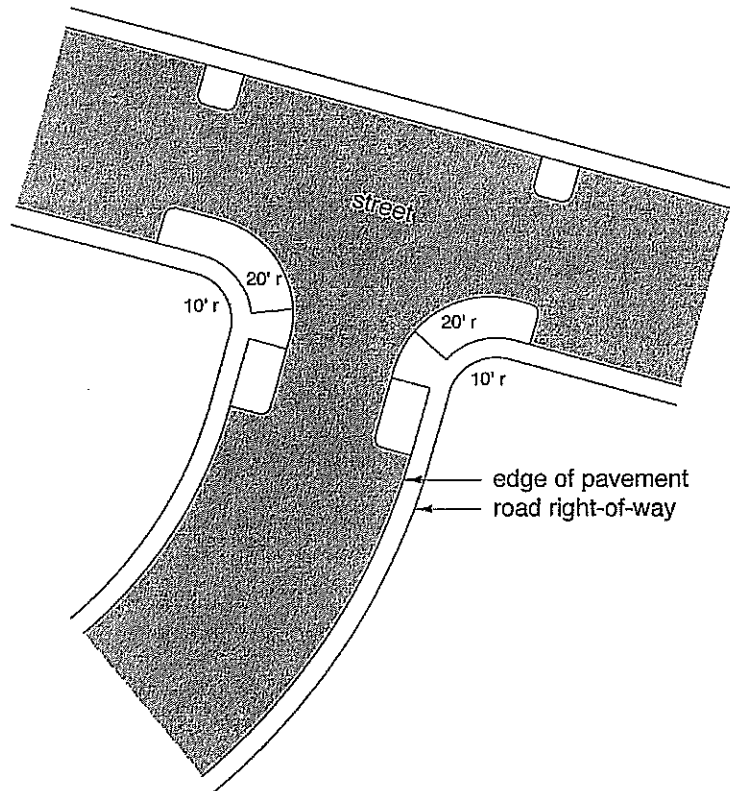


Exhibit 17: Intersection Angles; Corner Radius Variance Request - Subdivision Code

Request:

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

(See Exhibit No. 12, page 8-35, for location in project)

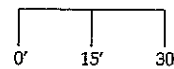
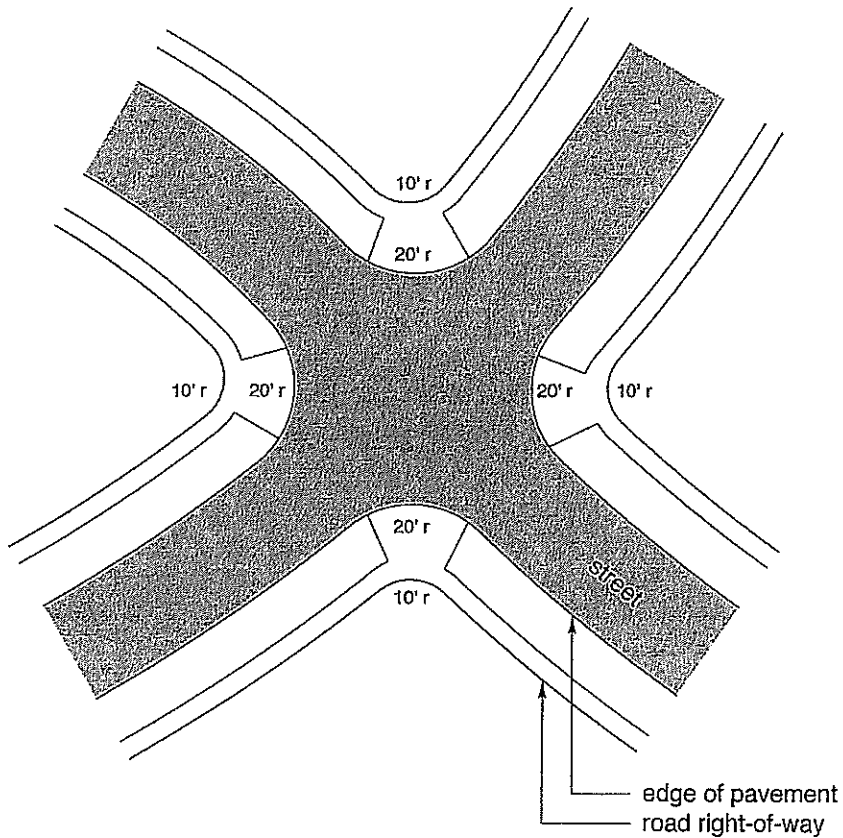


Exhibit 18: Intersection Angles; Corner Radius Variance Request - Subdivision Code

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

(See Exhibit No. 12, page 8-35, for location in project)

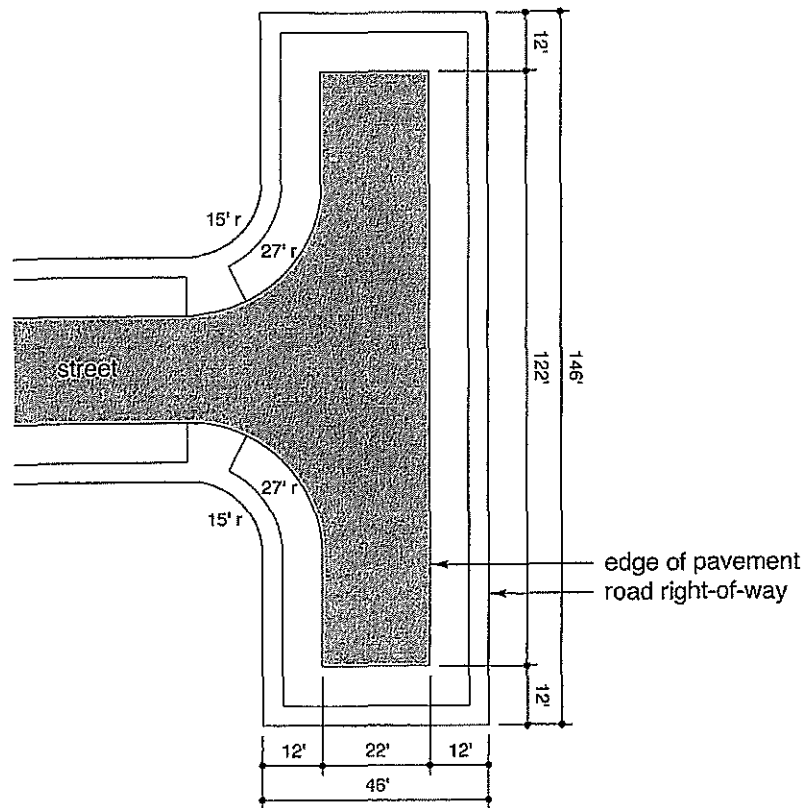


Exhibit 19: Intersection Angles; Corner Radius Variance Request - Subdivision Code

Request:

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

(See Exhibit No. 12, page 8-35, for location in project)

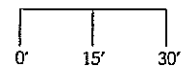
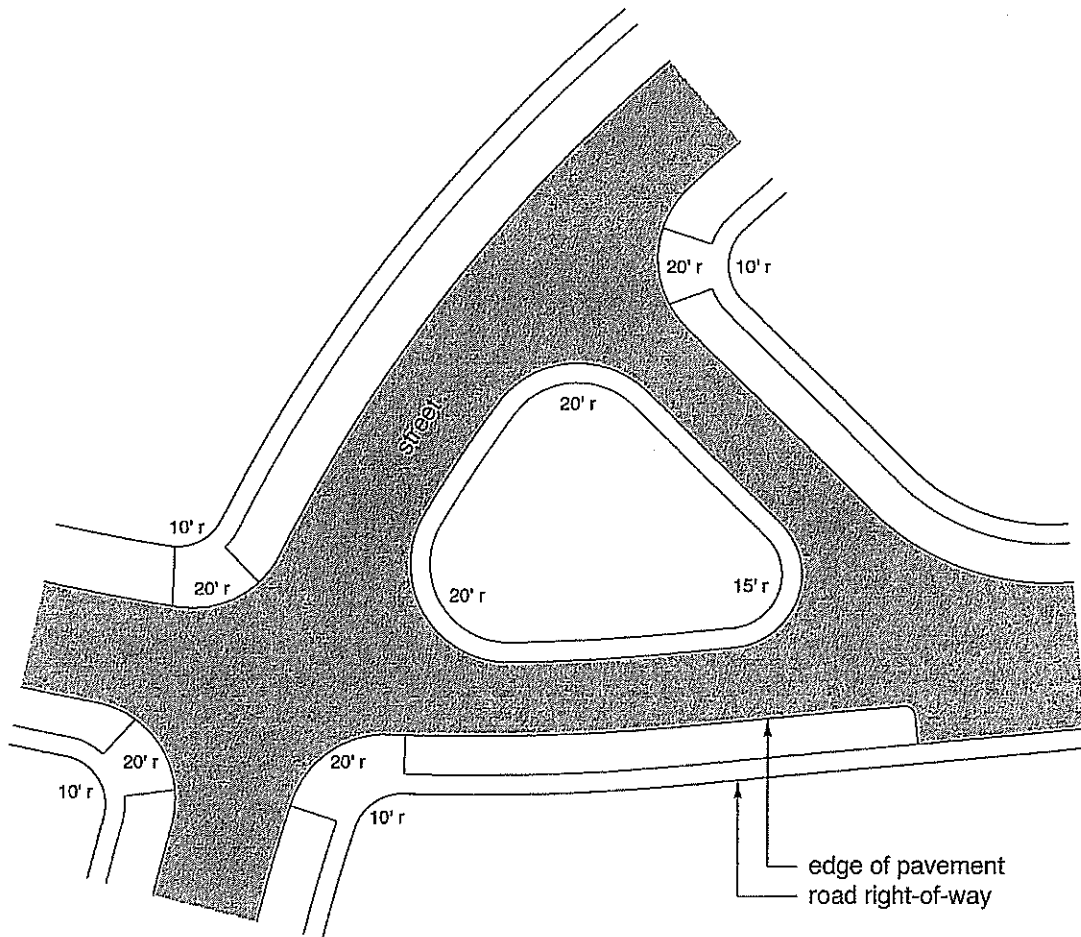
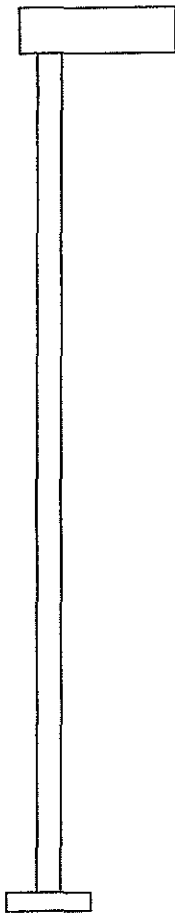


Exhibit 20: Street Lights

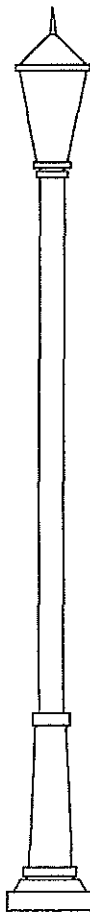
Variance Request - Subdivision Code

Request:

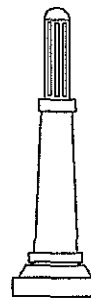
The Petitioner request that the requirements of Section 23-93 be waived in lieu of a custom street light fixture, allowing flexibility in color and housing type selection. Pole type lighting fixtures may be used at street intersections while bollard type lighting fixtures may be used to aid pedestrians. Typical examples of custom light fixtures that might be used in the project are as indicated below:



Pole Lighting Fixture
Contemporary



Pole Lighting Fixture
Traditional



Bollard Lighting Fixture
Traditional

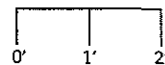
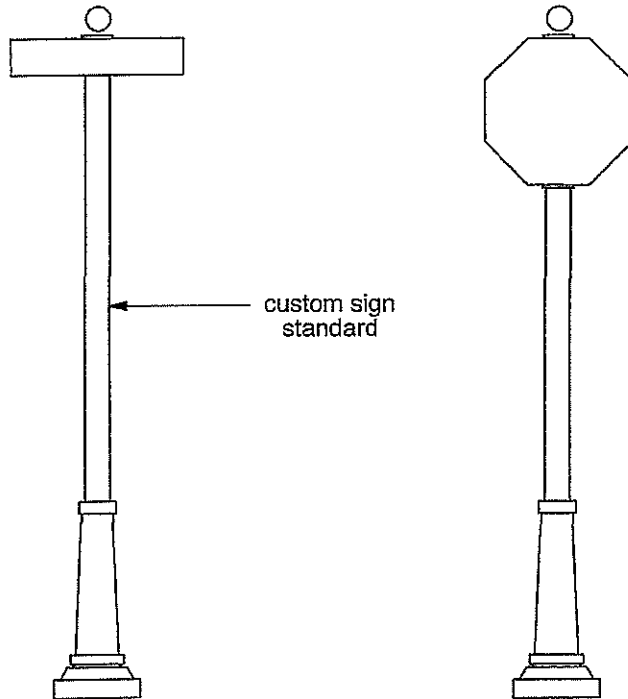


Exhibit 21: Street Signs

Variance Request - Subdivision Code

Request:

The Petitioner request that the requirements of Section 23-94 be waived in lieu of custom street name and traffic sign fixtures, which are more in keeping with the design goals of the project. Typical examples of custom fixtures that might be used in the project are as indicated below:



Street Name Sign

Traffic Sign

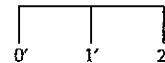


Exhibit 22: Right of Way Improvement Variance Request - Subdivision Code

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:

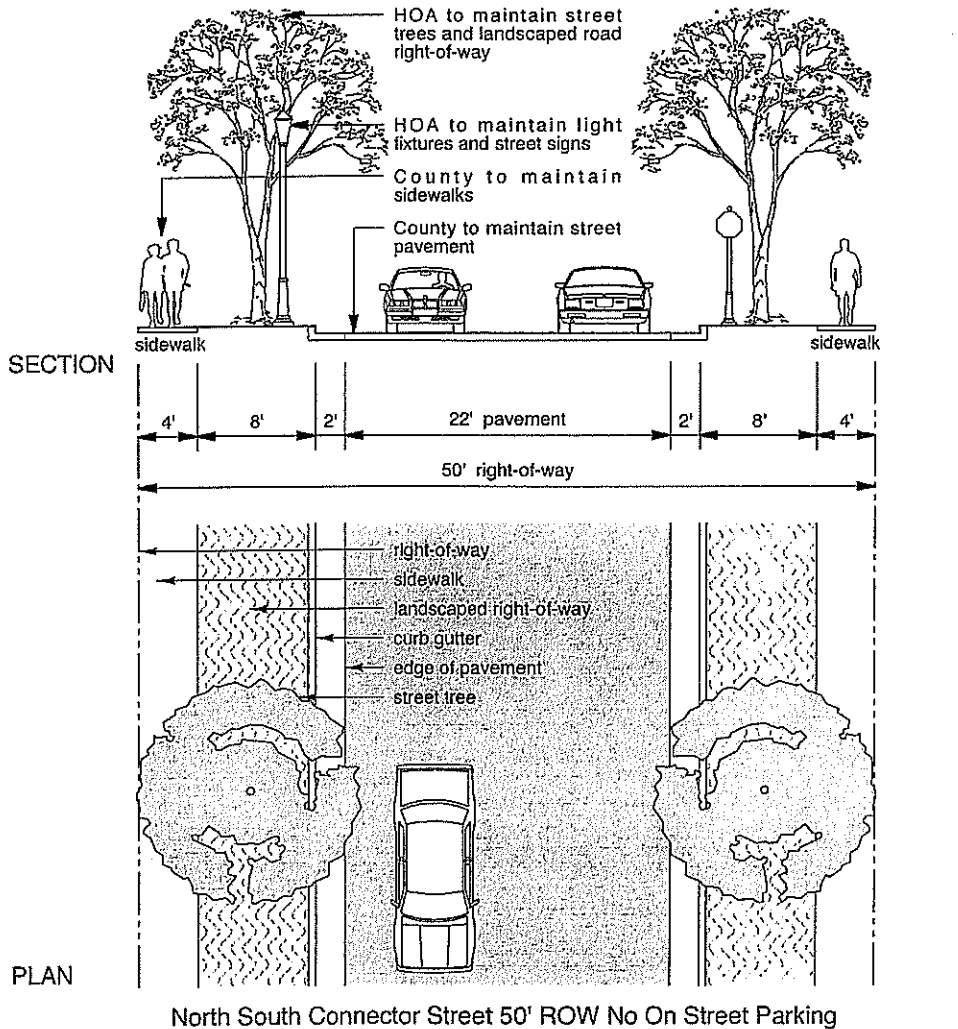
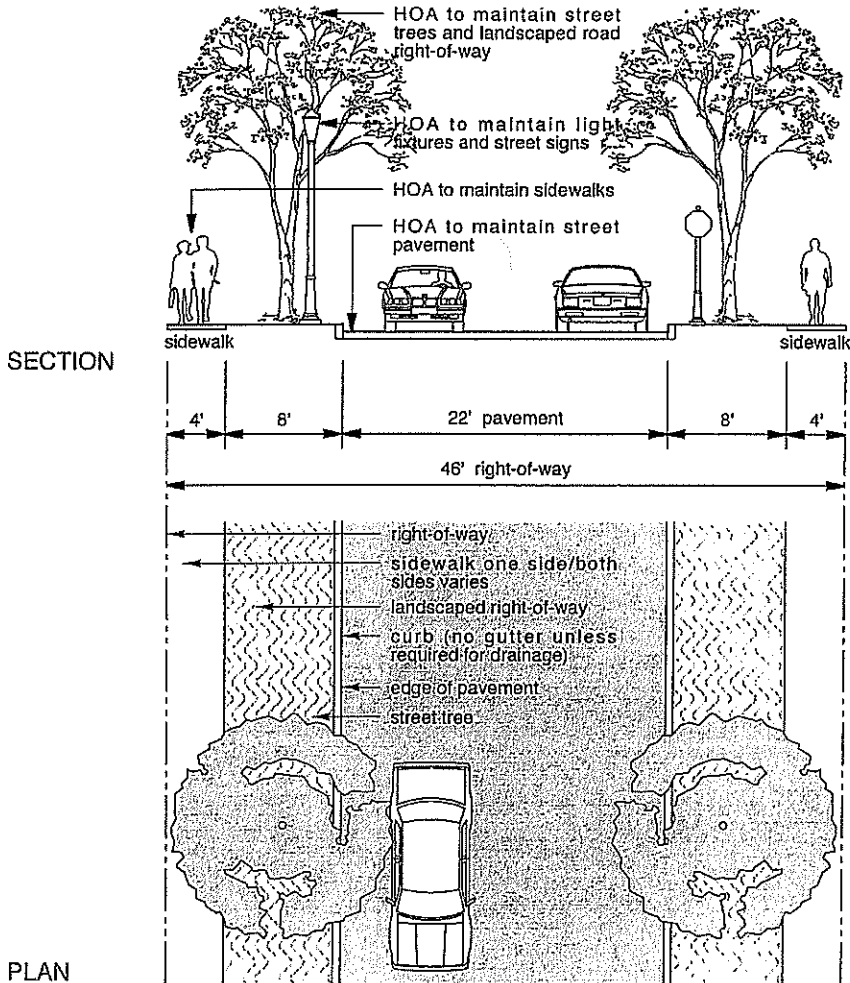


Exhibit 23: Right of Way Improvement

Variance Request - Subdivision 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:



Private Street 46' ROW No On Street Parking

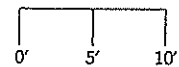


Exhibit 24: Right of Way Improvement

Variance Request - Subdivision 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:

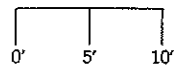
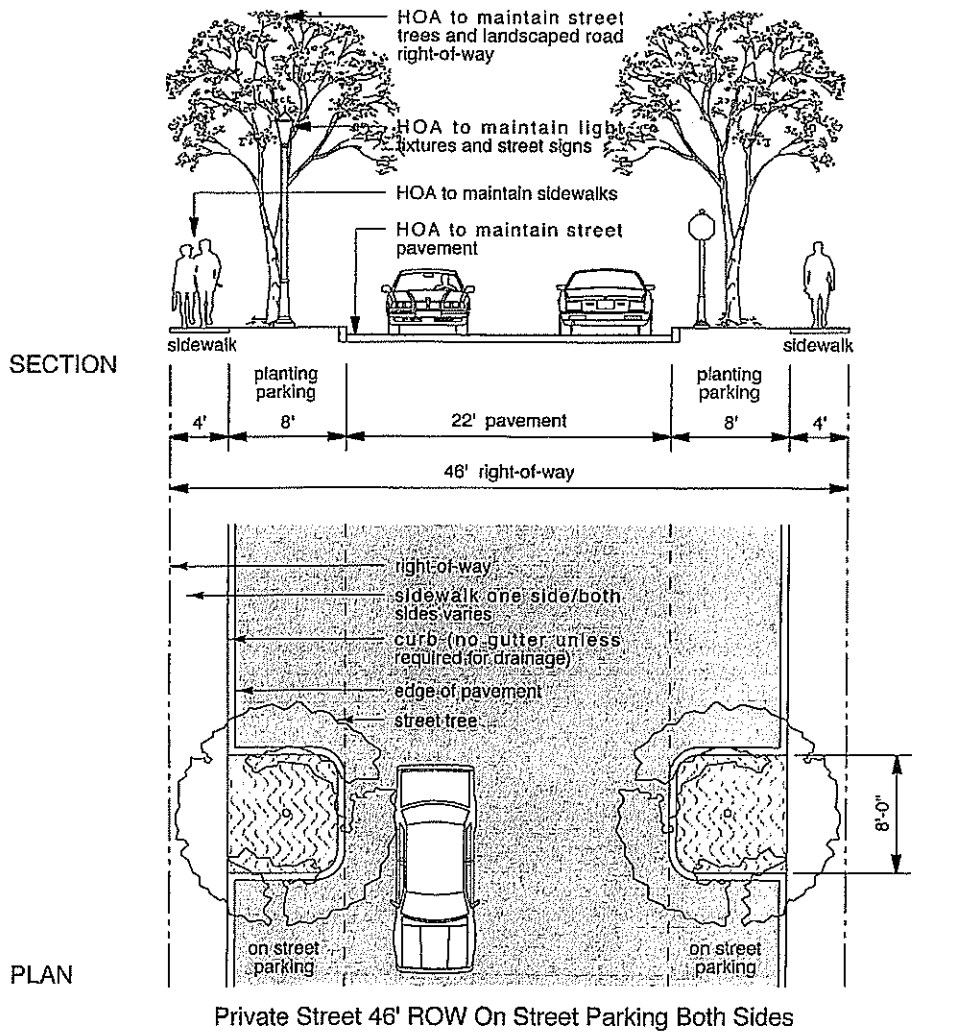


Exhibit 25: Right of Way Improvement

Variance Request - Subdivision 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:

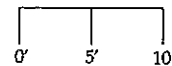
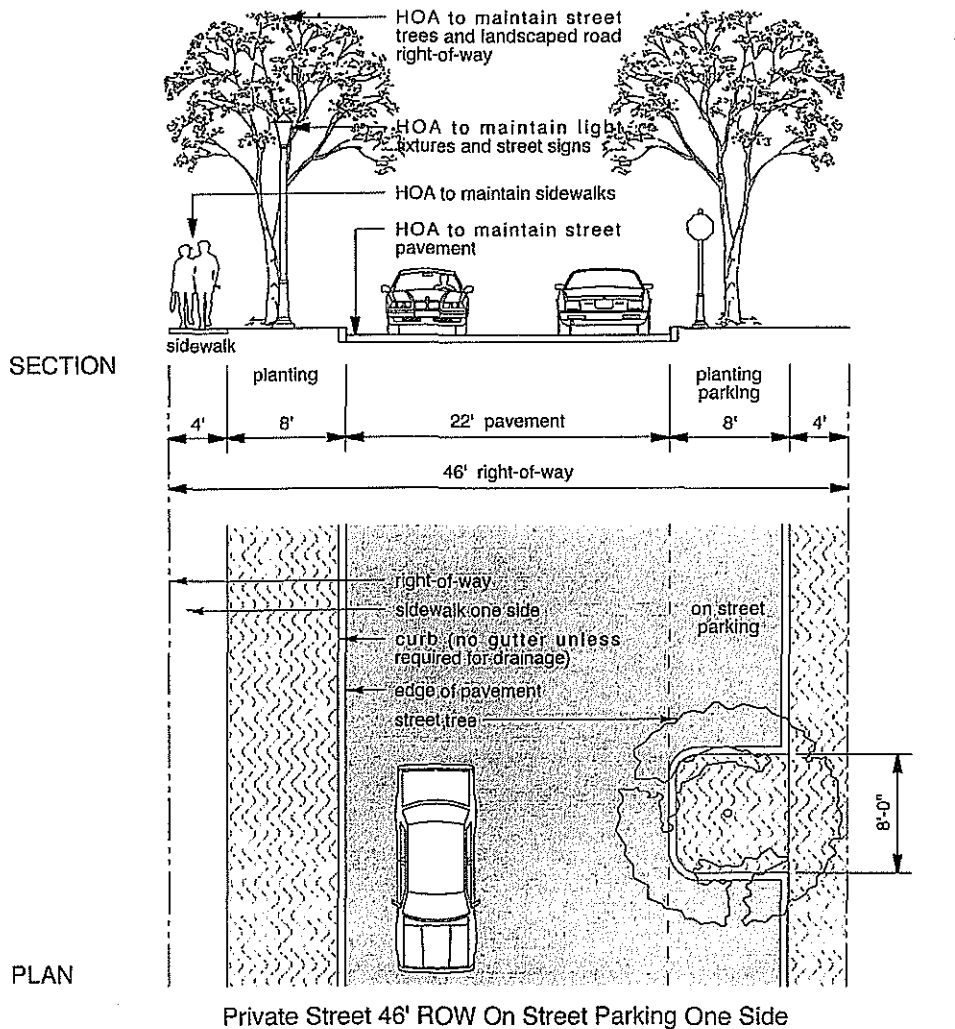
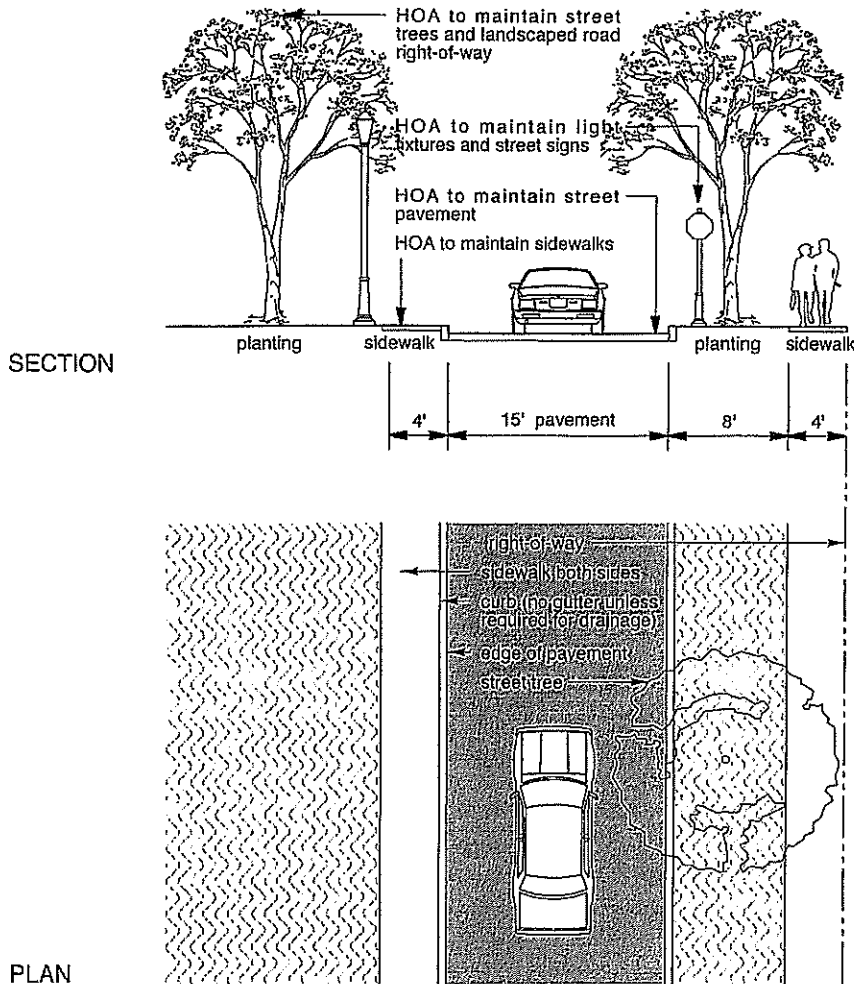


Exhibit 26: Right of Way Improvement

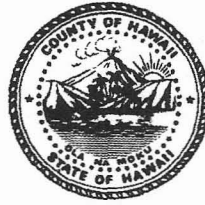
Variance Request - Subdivision Code

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:



William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

April 28, 2014

Mr. Steven S.C. Lim, Esq.
Carlsmith Ball LLP
P. O. Box 686
Hilo, HI 96721-0686

Dear Mr. Lim:

SUBJECT: PLANNED UNIT DEVELOPMENT PERMIT (PUD 10-000018)
Project Name: Alaneo
Applicant & Consultant: Steven S. C. Lim, Carlsmith Ball LLP
Landowner: Hu Ko Pa, LLC
Subject: Administrative Time Extension Request
Tax Map Key: 7-5-017: 042

This is to acknowledge receipt of your letter dated April 11, 2014 requesting an administrative time extension for Condition 7 of Planned Unit Development Permit No. 10-000018.

Condition 7 states: *Time extension. Pursuant to Sections 25-2-7 of the Zoning Code, an application for the subdivision of the Property in accordance with the terms and approval granted by this PUD permit shall be submitted to and accepted by the Planning Department within two years from the date of this permit. If the applicant should require an extension of time, the applicant may request a time extension pursuant to Section 25-6-14 (time extensions and amendments).*

You have stated that the applicant is moving forward at a slower schedule than anticipated as a result of the current global, national, and local economic conditions that have proved even more significant for the real estate development business.

Therefore, based on the reasons stated above, a 2 year administrative time extension is granted to comply with Condition 7 of PUD Permit-10-000018 until **April 25, 2015**.

Please be informed, should additional extension of time be needed to comply with Condition 7 of PUD Permit No. 10-000018, it shall be at the discretion of the Planning Director.

Steven S.C. Lim, Esq.
Carlsmith Ball LLP
Page 2
April 28, 2014

If you have any questions, regarding this matter, please feel free to contact Larry Nakayama at 961-8149 or lnakayama@co.hawaii.hi.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Duane Kanuha". The signature is fluid and cursive, with the first name "Duane" written in a larger, more prominent script than the last name "Kanuha".

DUANE KANUHA
Planning Director

LHN:kwr:rl

P:\ Admin Permits Division\PUD Permits\2010\PUD10-18Alaneo\PUD-10-000018Alaneo-HuKoPaLLCTimeExt.doc

xc: West Hawai'i Planning Office