

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 359

AN ORDINANCE AMENDING SECTION 7.05, THE KAILUA-HONALO URBAN ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO RESORT-HOTEL (VH-.75) AT KEAUKOU 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-8-12:58, 59 & 60.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Section 7.05 of Chapter 8 (Zoning Code), Article 2, Hawaii County Code, as amended, is hereby further amended by adding thereto the following subsection:

"7.05 (s). The district classification of the following area situated at Keauhou 2nd, North Kona, Hawaii, shall be Resort-Hotel (VH-.75):

Beginning at the East corner of this parcel of land, the same being the common corner of Lots D, E-1, 18 (Roadway), and Area 15-A, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KEAUKOU COAST" being 2178.61 feet North and 843.58 feet East, and running thence by azimuths measured clockwise from True South:

- | | | | | |
|----|------|-----|-----|-----------------------------------------------------------------------------------------------------|
| 1. | 69° | 33' | 30" | 381.47 feet along Area 15-A; |
| 2. | 166° | 34' | 30" | 240.21 feet along same; |
| | | | | Thence along the coastline for the next four (4) courses, the direct azimuths and distances being: |
| 3. | 247° | 42' | 30" | 90.92 feet; |
| 4. | 231° | 25' | 30" | 86.28 feet; |
| 5. | 254° | 41' | 30" | 83.35 feet; |
| 6. | 263° | 42' | 30" | 108.05 feet; |
| 7. | 344° | 26' | 30" | 100.00 feet along R. P. 7044, L. C. Aw. 7366, Ap. 2 to Kukahi and Lot E-2; |
| 8. | 339° | 33' | 30" | 134.69 feet along Lots E-2 and E-1 to the point of beginning and containing an area of 2.121 acres. |

"All as outlined in red on the map attached hereto, marked Exhibit 'A' and by reference made a part hereof."

SECTION 2. Section 1 of this ordinance shall take effect forthwith upon the conditions that (A) prior to development of the subject properties, the petitioner or its authorized representative shall comply with the Planning Commission's Rules and Regulations (Rule No. 9) Relating to Environmental Shoreline Protection; (B) prior to landscaping or construction of any structures on the subject properties, such plans shall be submitted to the Planning Department for review and approval; (C) development of the properties, whether it be for landscaping and/or the construction of a structure, shall commence within one year from the effective date of approval of the change of zone; (D) upon construction of any structure(s), the minimum setback requirements shall be observed, otherwise, the subject properties shall be consolidated; (E) all proposed work shall not interfere with any known historical sites. In the event that unanticipated historical sites or archaeological remains are found, the petitioners shall contact the State Historic Preservation Officer and the Planning Department; and (F) all other applicable rules and regulations, including those of the County Department of Water Supply and the State Department of Health, shall be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original zoning designation may be initiated.

SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

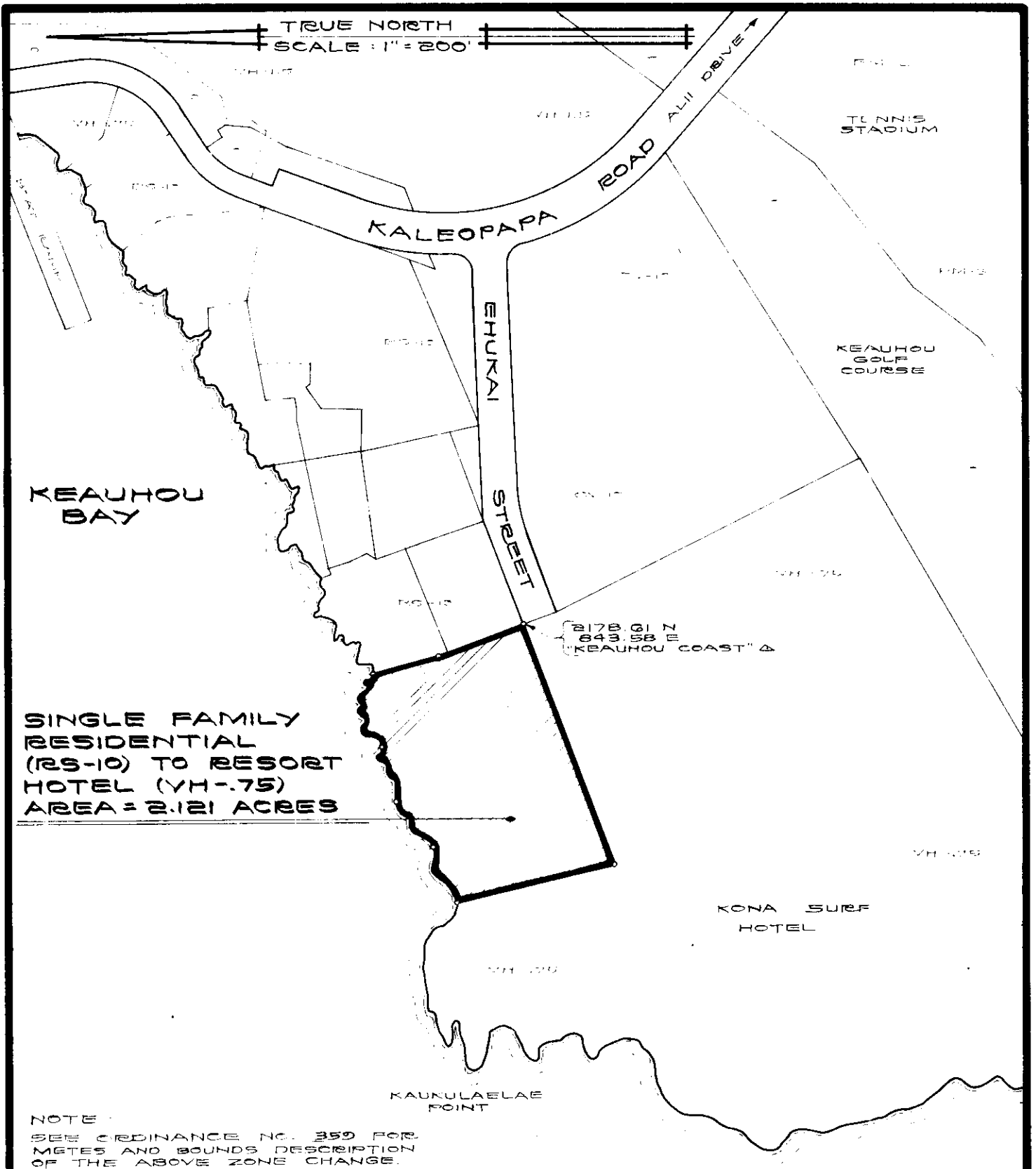

COUNCILMAN, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: June 3, 1978.

Date of Adoption: June 17, 1978

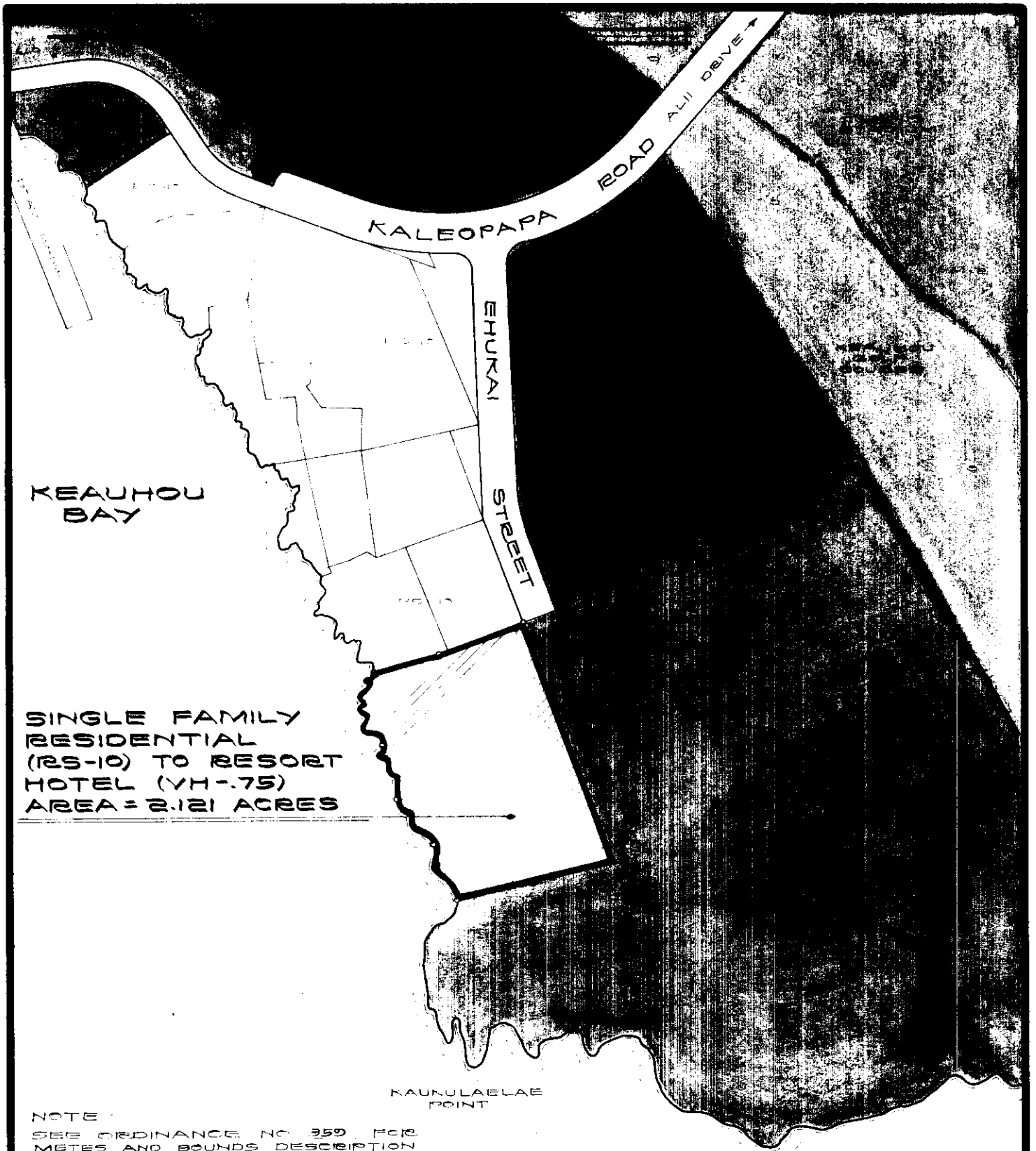
Effective Date: June 30, 1978



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 18 TO SECTION 7.05, THE KAILUA-HONALO URBAN ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO RESORT-HOTEL (VH-.75) AT KEAUHOU 2ND, NORTH KONA, HAWAII.

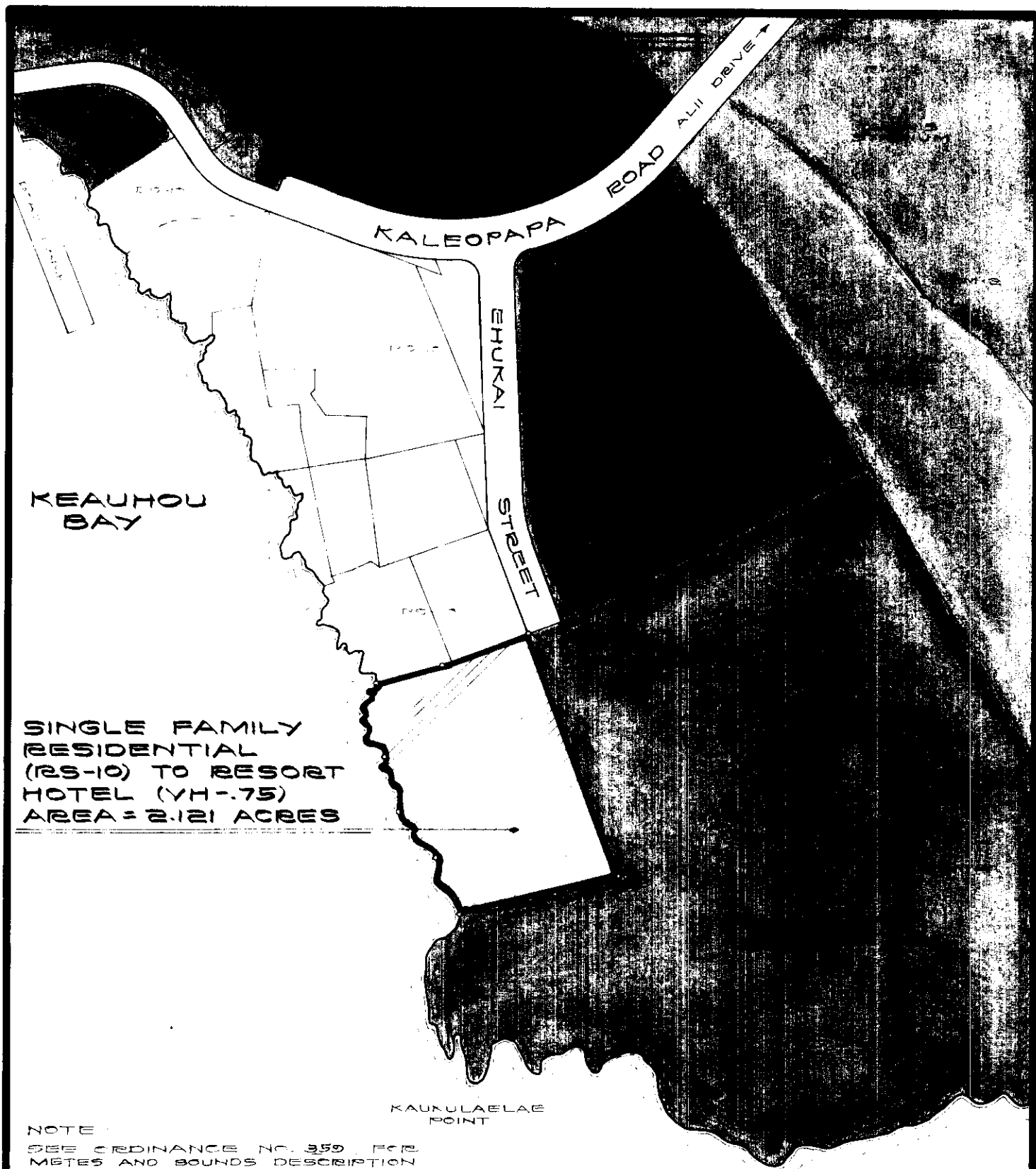
DATE OF PUBLIC HEARING: APRIL 13, 1978
 DATE OF APPROVAL: JUNE 30, 1978
 ORDINANCE NO. 359
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII



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NOTE
 SEE ORDINANCE NO. 359 FOR
 METES AND BOUNDS DESCRIPTION
 OF THE ABOVE ZONE CHANGE

AMENDMENT TO THE ZONING CODE

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 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMK: 7-8-12:58, 59 & 60

FEB. 14, 1978

Hilo, Hawaii

Date: June 3, 1978

FIRST READING			
	AYES	NOES	A/E
Dahlberg	X		
Domingo	X		
Fujii	X		
Garcia	X		
Kawahara	X		
Lai	X		
Sameshima	X		
Tajiri	X		
Chr. Yamashiro	X		
	9	0	0

JUN 11 1978

Publication Date: _____

Hilo, Hawaii

Date: June 17, 1978

SECOND & FINAL READING			
	AYES	NOES	A/E
Dahlberg	X		
Domingo	X		
Fujii	X		
Garcia	X		
Kawahara	X		
Lai	X		
Sameshima	X		
Tajiri	X		
Chr. Yamashiro	X		
	9	0	0

JUL 7 1978

Publication Date: _____

We do hereby certify that the foregoing BILL was adopted by the County Council and published as indicated above.

APPROVED as to
FORM and CLERK

[Signature]

Date JUN 20 1978

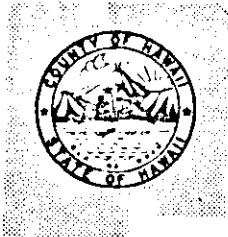
[Signature]
Council Chairman

[Signature]
County Clerk

Approved/Disapproved this 30th day of
June, 1978

[Signature]
Mayor, County of Hawaii

Bill No. 395
Reference: C-793/PC-32
M.B. No. _____
Ord. No. 359



COUNTY OF
HAWAII

PLANNING DEPARTMENT

26 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKE
Director

DUANE KANUHA
Deputy Director

May 1, 1978

Honorable Stephen K. Yamashiro, Chairman
and Members of the County Council
County of Hawaii
Hilo, Hawaii

Dear Chairman Yamashiro and Members:

Rezoning Request - InterIsland Resorts, Ltd.
Tax Map Key 7-8-12:58 through 60

The Planning Commission, after a duly held public hearing on April 13, 1978, voted to recommend for your approval the proposed legislative bill to change the district classification from a Single Family Residential - 10,000 square foot (RS-10) to a Resort-Hotel - 750 square foot (VH-.75) zoned district at Keauhou 2nd, North Kona, Hawaii. PC

The Commission's favorable recommendation was based on the following considerations:

1. That the proposed change of zone conforms to the General Plan Land Use Allocation Map which designates the area for Resort uses. The General Plan further identifies the Keauhou-Kona area, which the subject properties are situated within, as a major resort area. A major resort area is identified as a self-contained resort destination area which provides basic and support facilities for the needs of the entire development.

Resort developments, whether they be hotels or hotel-supported facilities, are created and established to satisfy the needs and desires of both visitors and residents. As such, one (1) of the stated goals of the Resort element is "To provide for resort development that maximizes conveniences to its users." According to the petitioners, the

COMM. NO.

793

To: PC

purpose of this particular request is for the utilization of the affected properties as part of the overall Kona Surf Hotel operation, primarily for landscaping purposes. They have no immediate plans for constructing any improvements. It is therefore felt that even if the subject properties are developed for additional "open space" or eventually used for the construction of a low-rise type of restaurant or for other similar uses, these uses will not dominate the visual aspects of Keauhou Bay. Furthermore, when the petitioner applies for a Special Management Area Use Permit, mitigating conditions may be imposed to preserve the visual and environmental integrity of the Bay.

Additionally, as its policy, the Resort element states that the County shall designate and allocate resort areas in appropriate proportions and, also that zoning of resort areas shall be granted when the proposed development is consistent with and incorporates the stated goals, policies, and standards of the General Plan. It is determined that the proposed resort-related usage of the subject properties would be in a direction of fulfilling the stated goals, policies and standards of the Resort element of the General Plan.

2. That the granting of this particular request for its intended purpose would also be in the direction of fulfilling the Economic policies of the General Plan which state that "The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors," and that "The County of Hawaii shall encourage the development of a visitor industry which is consistent with the social, physical, and economic goals of the residents of the County."

The visitor industry has emerged and is one of the major economic forces within the County. The growth of Hawaii County in terms of employment and economic activity has been greatly attributed to the visitor industry. Although there presently is the question of the stability of the visitor industry, it is felt that the resultant effect of this particular zone change and other similar types of resort development, could possibly help to strengthen this portion of the island's economy.

Honorable Stephen K. Yamashiro, Chairman
and Members of the County Council
Page 3

3. That the subject area is conveniently located adjacent to the employment generators within Keauhou-Kona and other public and private services. All essential utilities are also available to the area. As such, it is determined that the request also conforms to the General Plan's Land Use and Resort elements which state to "Zone urban-type uses in areas with ease of access to community services and employment centers and with adequate public utilities and facilities", and to "Promote and encourage the rehabilitation and utilization of resort areas which are serviced by basic facilities and utilities."
4. That there are no severe geologic or topographic conditions which cannot be properly rectified or which would render the land unusable for the proposed use, namely, for resort-related activities.

For your favorable consideration, an amendment to Section 7.05, the Kailua-Honalo Urban Zone Map, of the County Zoning Code is transmitted.

We are enclosing a copy of the application and a copy of the staff background for your information.

Sincerely,




J. Walsh Hanley
Vice Chairman, Planning Commission

lgv

Enclosures B.11 345

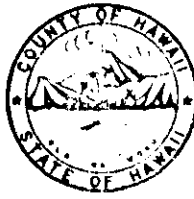
cc Mr. G. William Paulson
Chief Engineer, Public Works
Manager, Water Supply

APPROVED:



HERBERT T. MATAYOSHI, MAYOR

R. B. Legaspi
COUNTY CLERK



Yasuki Arakaki
DEPUTY COUNTY CLERK

Harry A. Takahashi
LEGISLATIVE AUDITOR

OFFICE OF THE COUNTY CLERK

COUNTY OF HAWAII
HILO, HAWAII 96720

June 19, 1978

Mayor Herbert T. Matayoshi
County of Hawaii
Hilo, HI

I hereby transmit Ordinance Bill No. 395
passed by the County Council on second final reading.

R. B. Legaspi
R.B. Legaspi
COUNTY CLERK

Encl.

Dated: JUN 20 1978

Bill No. 395 - 1978

AN ORDINANCE AMENDING SECTION 7.05, THE KAILUA-HONALO URBAN ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO RESORT-HOTEL (VH-.75) AT KEAUKOU 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-8-12:58, 59 & 60.

This Bill amends Section 7.05, The Kailua-Honalo Urban Zone Map, Chapter 8 (Zoning Code), Article 2, Hawaii County Code, as amended, by changing the district classification from Single Family Residential (RS-10) to Resort-Hotel (VH-.75) at Keauhou 2nd, North Kona.

Date Introduced: June 3, 1978

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Bill passed first reading at the meeting of the County Council on June 3, 1978, by the following aye and no vote:

AYES: Councilmen Dahlberg, Domingo, Fujii, Garcia, Kawahara, Lai, Sameshima, Tajiri and Chairman Yamashiro - 9.

NOES: None.

R. B. Legaspi
COUNTY CLERK
COUNTY OF HAWAII

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NOES: None.

R. B. LEGASPI
1978
June 11, 1978

ORDINANCE NO. 359
(Bill No. 395-1978)

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Date Approved: June 17, 1978
Date Effective: June 30, 1978

Copies of the foregoing Ordinance, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Ordinance passed second and final reading at the meeting of the County Council on June 17, 1978, by the following aye and no vote:

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NOES: None.

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NOES: None.

R. B. LEGASPI
COUNTY CLERK
COUNTY OF HAWAII

R. B. Legaspi
COUNTY CLERK
COUNTY OF HAWAII