

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 84 36

AN ORDINANCE AMENDING SECTION 25-89 (KAILUA URBAN ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE 1983, AS AMENDED, RELATING TO MODIFICATION OF A CONDITION TO THE DISTRICT RECLASSIFICATION FROM VILLAGE COMMERCIAL (CV-10) AND RESORT-HOTEL (V-1.25) TO GENERAL COMMERCIAL (CG-20) AT LANIHOU 1ST AND 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-04:10 AND 28.

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

SECTION 1. Section 25-89, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code 1983, is amended to modify a condition to property reclassification in Ordinance No. 566, effective May 12, 1980, to read as follows:

The district classification of the following area situated at Lanihau 1st, North Kona, Hawaii, shall be General Commercial (CG-20):

(Area 1) Beginning at the Northwest corner of this parcel of land, being also the Northeast corner of Lot B (Tax Map Key: 7-5-04:34) and on the Southeasterly side of Palani Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" being 78.51 feet South and 548.88 feet West and running by azimuths measured clockwise from True South:

Following along the Southeasterly side of Palani Road on a curve to the left with a radius of 5,779.60 feet, the chord azimuth and distance being:

1.    211°   37'   50.3"    168.24   feet to a 1/2 inch pipe  
in concrete;  
  
Thence following along  
the Southeasterly side of  
Palani Raod on a curve to  
the left with a radius of  
5,779.60 feet, the chord  
azimuth and distance  
being:
2.    209°   06'   54"    339.22   feet to a 1/2 inch pipe  
in concrete;
3.    207°   26'            296.93   feet along the  
Southeasterly side of  
Palani Road to a 1/2 inch  
pipe in concrete;
4.    232°   56'   30"    442.71   feet along R. P. 6851,  
L. C. Aw. 8452, Apana 12  
to A. Kehokalole  
(Certificate of  
Boundaries No. 45) to a  
1/2 inch pipe in concrete;
5.    294°   11'            496.20   feet along the remainder  
of R. P. 7456, L. C. Aw.  
8559-B, Apana 11 to  
Wm. C. Lunalilo  
(Certificate of  
Boundaries No. 25) to a  
1/2 inch pipe in concrete;
6.    57°   36'            146.00   feet along Grant 2035 to  
J. L. Waiau to a 1/2 inch  
pipe in concrete;
7.    45°   56'            507.91   feet along Grant 2035 to  
J. L. Waiau and portion  
of Grant 1861, Apana 2 to  
Kahiamoe to a 1/2 inch  
pipe;
8.    46°   25'   30"    297.29   feet along Parcel B and  
along the Southerly side  
of the Old  
Honokohau-Kailua Road and  
Grant 1861, Apana 2 to  
Kahiamoe to a spike in  
concrete;

- |     |              |        |                                                                                                                                                                                                                                                          |
|-----|--------------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9.  | 43° 59'      | 228.92 | feet along the Southerly side of the Old Honokohau-Kailua Road and Grant 1861, Apana 2 to Kahiamoe to a 1/2 inch pipe in concrete;                                                                                                                       |
| 10. | 36° 29'      | 31.83  | feet along the Southerly side of the Old Honokohau-Kailua Road and Grant 1861, Apana 2 to Kahiamoe to a 3/4 inch pipe in concrete;                                                                                                                       |
| 11. | 131° 56'     | 20.02  | feet crossing over the Old Honokohau-Kailua Road and along the remainder of R. P. 7456, L. C. Aw. 8559-B, Apana 11 to Wm. C. Lunailo (Certificate of Boundaries No. 25);                                                                                 |
| 12. | 43° 55'      | 44.73  | feet along the Northerly side of the Old Honokohau-Kailua Road;                                                                                                                                                                                          |
| 13. | 46° 04' 30"  | 118.62 | feet along the Northerly side of the Old Honokohau-Kailua Road;                                                                                                                                                                                          |
| 14. | 131° 20' 30" | 243.98 | feet along Lot C and B and along the remainder of R. P. 7456, L. C. Aw. 8559-B, Apana 11 to Wm. C. Lunailo (Certificate of Boundaries No. 25) to the point of beginning and containing an area of 11.822 Acres. (Refer to Area 1 as shown on Exhibit A.) |

The district classification of the following area situated at Lanihau 2nd, North Kona, Hawaii, shall be General Commercial (CG-20):

(Area 2) Beginning at the South corner of this parcel of land, being also the East corner of Parcel B and on the North boundary of Grant 1854 to Ipunui, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" being 55.95 feet South and 392.10 feet East and running by azimuths measured clockwise from True South:

- |    |              |        |                                                                                                                                           |
|----|--------------|--------|-------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | 150° 14'     | 250.37 | feet along Parcel B and remainder of Grant 1861, Apana 2 to Kahiamoe;                                                                     |
| 2. | 131° 11' 30" | 144.69 | feet along remainder of Grant 1861, Apana 2 to Kahiamoe;                                                                                  |
| 3. | 225° 56'     | 395.21 | feet along L. C. Aw. 8559-B, Apana 11 to Wm. C. Lunaililo (Certificate of Boundaries No. 25);                                             |
| 4. | 342° 00'     | 453.10 | feet along Grant 2035 to Waiau;                                                                                                           |
| 5. | 50° 38'      | 246.81 | feet along Grant 1854 to Ipunui to the point of beginning and containing an area of 2.814 Acres. (Refer to Area 2 as shown on Exhibit A.) |

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

SECTION 2. This change in district classification is conditioned upon the following: (A) the petitioner or its authorized representative shall submit plans for and secure final plan approval for any proposed development for the subject area within one (1) year from the effective date of approval of the change of zone; (B) construction of the proposed development shall commence within one (1) year

from the date of receipt of final plan approval and be completed within two (2) years thereafter; (C) [the petitioner or its authorized representative shall be responsible for improving Ololi Road from the intersection with Kuakini Highway to the subject property in accordance with the requirements of the Department of Public Works;] the portion of the Old Honokohau Road within the property shall be abandoned. Further, a physical barrier, meeting with the approval of the Department of Public Works, shall be constructed to preclude the use of Ololi Road as a through street from the proposed development. No access shall be allowed from Ololi Road for any additional lots proposed as part of the petitioner's overall development of the area; (D) the maximum height limit of any proposed structure(s) shall be three stories but not higher than 45 feet; and (E) all other applicable rules, regulations, and requirements, including those of the 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 or more appropriate zoning designation may be initiated.

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this ordinance, the brackets, bracketed material and underscoring need not be included.

SECTION 4. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: June 20, 1984

Date of Adoption: July 3, 1984

Effective Date: July 9, 1984