

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 441  
(Draft 2)

ORDINANCE NO. 87 129

AN ORDINANCE AMENDING SECTION 25-87 (NORTH KONA ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO MULTIPLE FAMILY RESIDENTIAL (RM-4), AND NEIGHBORHOOD COMMERCIAL (CN-20) AT AUHAUKEAE 1ST AND 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-10:8 & 57.

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

SECTION 1. Section 25-87, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of properties described hereinafter as follows:

The district classification of the following area situated at Auhauekeae 1st and 2nd, North Kona, Hawaii, shall be Multiple Family Residential (RM-4):

PARCEL 1:

Beginning at the northeast corner of this parcel of land and on the westerly side of Hawaii Belt Road, FAP 11A-03-69, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO", being 6,201.13 feet North and 1,823.22 feet East, thence running by azimuths measured clockwise from true South:

1. Along Hawaii Belt Road, FAP 11A-03-69 on a curve to the right with a radius of 5,579.58 feet, the chord azimuth and distance being: 327° 43' 39" 281.95 feet;
2. 59° 29' 172.05 feet along Nani Kailua Drive;
3. Thence along Nani Kailua Drive on a curve to the right with a radius of 470.00 feet, the chord azimuth and distance being: 70° 33' 30" 180.57 feet;

4. 81° 38' 342.04 feet along Nani Kailua Drive;
5. Thence along Nani Kailua Drive on a curve to the left with a radius of 530.00 feet, the chord azimuth and distance being:  
54° 09' 489.18 feet;
6. 26° 40' 72.77 feet along Nani Kailua Drive;
7. Thence along Nani Kailua Drive on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:  
71° 40' 42.43 feet;
8. 116° 40' 264.97 feet along Hualalai Road;
9. 133° 20' 14.54 feet along Hualalai Road;
10. Thence along Hualalai Road on a curve to the left with a radius of 250.00 feet, the chord azimuth and distance being:  
113° 00' 160.03 feet;
11. 94° 20' 11.96 feet along Hualalai Road;
12. Thence along Hualalai Road on a curve to the right with a radius of 400.00 feet, the chord azimuth and distance being:  
124° 52' 30" 406.53 feet;
13. 155° 25' 54.94 feet along Hualalai Road;
14. 256° 06' 187.27 feet along Grant 1752 to H. Kawelo (Aloha Kona Subdivision, File Plan 871);
15. 263° 16' 56.20 feet along Grant 1752 to H. Kawelo (Aloha Kona Subdivision, File Plan 871);

16. 263° 20' 194.80 feet along Grant 1752 to  
H. Kawelo (Aloha Kona  
Subdivision, File Plan 871);
17. 260° 47' 253.30 feet along Grant 1752 to  
H. Kawelo (Aloha Kona  
Subdivision, File Plan 871);
18. 260° 56' 661.60 feet along Grant 1752 to  
H. Kawelo (Aloha Kona  
Subdivision, File Plan 871  
and Kona Heights  
Subdivision, Increment I,  
File Plan 1075);
19. 265° 32' 74.40 feet along Grant 1752 to  
H. Kawelo (Kona Heights  
Subdivision, Increment I.  
File Plan 1075);
20. 253° 00' 345.22 feet along Grant 1752 to  
H. Kawelo (Kona Heights  
Subdivision, Increment I.  
File Plan 1075) to the point  
of beginning and containing  
an area of 15.019 Acres.

The district classification of the following area situated at Auhaueake 1st and 2nd, North Kona, Hawaii, shall be Multiple Family Residential (RM-4):

PARCEL 2:

Beginning at the southeast corner of this parcel of land and on the westerly side of Hawaii Belt Road, FAP 11A-03-69, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO", being 5,358.66 feet North and 2,289.63 feet East, thence running by azimuths measured clockwise from true South:

1. 79° 10' 954.39 feet along R.P. 7845, L.C. Aw.  
7715, Ap. 13 to Lota  
Kamehameha;

2. 84° 04' 40" 186.15 feet along R.P. 7845, L.C. Aw. 7715, Ap. 13 to Lota Kamehameha;
3. 81° 51' 3.45 feet along R.P. 7845, L.C. Aw. 7715, Ap. 13 to Lota Kamehameha;
4. 136° 30' 151.04 feet along Hualalai Road;
5. Thence along Hualalai Road on a curve to the left with a radius of 375.00 feet, the chord azimuth and distance being:  
126° 35' 129.16 feet;
6. 116° 40' 1.46 feet along Hualalai Road;
7. Thence along Nani Kailua Drive on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:  
161° 40' 42.43 feet;
8. 206° 40' 72.77 feet along Nani Kailua Drive;
9. Thence along Nani Kailua Drive on a curve to the right with a radius of 470.00 feet, the chord azimuth and distance being:  
234° 09' 433.80 feet;
10. 261° 38' 342.04 feet along Nani Kailua Drive;
11. Thence along Nani Kailua Drive on a curve to the left with a radius of 530.00 feet, the chord azimuth and distance being:  
250° 33' 30" 203.62 feet;
12. 239° 29' 172.05 feet along Nani Kailua Drive;
13. Thence along Hawaii Belt Road, FAP 11A-03-69 on a curve to the right with a radius of 5,579.58 feet, the chord azimuth and distance being:  
331° 59' 34.9" 428.69 feet;

14. 334° 11' 40.8" 193.17 feet along Hawaii Belt Road,  
FAP 11A-03-69 to the point  
of beginning and containing  
a gross area of 13.755 Acres.

The district classification of the following area situated  
at Auhaueakee 1st and 2nd, North Kona, Hawaii, shall be  
Neighborhood Commercial (CN-20):

PARCEL 3:

Beginning at the northeast corner of this parcel of land, the  
direct azimuth and distance from the initial point of the above  
described parcel being: 124° 13' 14" 703.11 feet, the  
coordinates of said point of beginning referred to Government  
Survey Triangulation Station "KAHELO", being 5,754.07 feet  
North and 1,708.24 feet East, thence running by azimuths  
measured clockwise from true South:

1. 337° 40' 188.57 feet along the remainders of  
R.P. 7580, L.C. Aw. 11,216,  
Ap. 37 to M. Kekauonohi and  
Lot 10, Land Court  
Application 1874;
2. 67° 40' 224.27 feet along the remainder of  
Lot 10, Land Court  
Application 1874;
3. 165° 00' 190.13 feet along the remainders of  
Lot 10, Land Court  
Application 1874 and  
R.P. 7580, L.C. Aw. 11,216,  
Ap. 37 to M. Kekauonohi;
4. 247° 40' 200.00 feet along the remainder of  
R.P. 7580, L.C. Aw. 11,216,  
Ap. 37 to M. Kekauonohi to  
the point of beginning and  
containing an area of 40,002  
Square Feet leaving a Net  
Area of 12.837 Acres.

SECTION 2. These changes in district classification are conditioned upon the following: (A) the applicant, successors or its assigns shall be responsible for complying with all of the stated conditions of approval; (B) plans for Phase I of the proposed development shall be submitted for plan approval review within one year from the effective date of the change of zone; (C) construction of Phase I shall commence within one year from the date of receipt of Final Plan Approval and be completed within three years thereafter; (D) plans for the subsequent phase(s) shall be submitted for plan approval review within one year from the date of completion of the previous phase(s); (E) construction of the subsequent phase(s) shall commence within one year from the date of receipt of Final Plan Approval of that particular phase and be completed within three years thereafter; (F) roadway access(es) to the proposed development shall be from Nani Kailua Drive and shall meet with the approval of the Department of Public Works; (G) all roads dedicated to the County shall be constructed to the County's dedicable standards and shall include curbs, gutters and sidewalks. Roads not dedicable to the County shall be privately maintained; (H) underground traffic signal ductlines at the intersection of Nani Kailua Drive and Queen Kaahumanu Highway shall be installed prior to occupancy of Phase I of the proposed development. The applicant shall be responsible for the design of the traffic signals to standards as required by the State Department of Transportation, Highways Division. The applicant shall continue to periodically

monitor and project the traffic impact at said intersection pursuant to the requirements of the State Department of Transportation, Highways Division, to determine if the traffic signal is warranted. The report shall be submitted to the State Department of Transportation, Highways Division, and the Planning Department. If deemed warranted by the State Department of Transportation, Highways Division, the applicant shall be solely responsible for the construction of the traffic signals; (I) a drainage system shall be installed meeting with the approval of the Department of Public Works; (J) the method of sewage disposal shall meet with the approval of the appropriate governmental agency; (K) a private park of approximately 20,000 square feet shall be developed as part of Phase I and made available in conjunction with the completion of Phase I's infrastructure. The cost of developing and maintaining the park shall be borne by the applicant, successors or its assigns. Deed covenants dedicating the site to the use shall be submitted in conjunction with plan approval for Phase I for approval by the Planning Director; (L) a second private park of approximately 20,000 square feet shall be developed as part of Phase III and made available in conjunction with the completion of Phase III's infrastructure. The cost of developing and maintaining the park shall be borne by the applicant, successors or its assigns. Deed covenants dedicating the site to the use shall be submitted in conjunction with plan approval for Phase III for approval by the Planning Director; (M) should any unidentified archaeological sites

or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, paving or walls be encountered, work in the area affected shall cease and the Planning Department notified. Subsequent work in the affected area shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigating measures have been taken; (N) an annual progress report shall be submitted prior to the anniversary date of the approval of the change of zone. 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; (O) all other applicable rules, requirements, and laws shall be complied with; and, (P) an extension of time for the performance of conditions within an ordinance 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 owners, 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 the change of zone; 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); and e) if the applicant



should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the area to its original or more appropriate designation.

SECTION 3. Should the council adopt A Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may, at the developer's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance.

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:

A handwritten signature in black ink, appearing to read "James D. ...", is written over a horizontal line. Below the line, the text "COUNCIL MEMBER, COUNTY OF HAWAII" is printed in a serif font.

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: December 2, 1987  
Date of 1st Reading: December 2, 1987  
Date of 2nd Reading: December 14, 1987  
Effective Date: December 23, 1987

NOTE: Map on file in the Office of the County Clerk.