

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 450

ORDINANCE NO. 88 5

AN ORDINANCE AMENDING SECTION 25-87 (NORTH KONA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, RELATING TO THE MODIFICATION OF CONDITIONS TO ORDINANCE NO. 84 9 AND FURTHER AMENDED BY ORDINANCE NO. 86 94, WHICH RECLASSIFIED CERTAIN LANDS FROM UNPLANNED (U) TO OPEN (O) AND LIMITED INDUSTRIAL (ML-1a) AT KEAHUOLU, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-4-08: PORTION OF 2.

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 property described hereinafter as follows:

The district classification of the following area situated at Keahuolu, North Kona, Hawaii, shall be

Open (O):

(PARCEL 1)

Beginning at East corner of this parcel of land and on the Southwesterly side of Queen Kaahumanu Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA NORTH MERIDIAN" being 2,504.44 feet North and 1,980.45 feet West, thence running by azimuths measured clockwise from True South:

- 1. 25° 41' 65.84 feet along Lot 1 of Kona Industrial Subdivision - Unit 5 (File Plan 1706);

2. Thence along the remainder of R.P. 6851, L.C. Aw. 8452, Apana 12 to A. Keohokalole (Certificate of Boundaries No. 45), on a curve to the right with a radius of 5,102.00 feet, the chord azimuth and distance being:
127° 03' 14.1" 1,599.49 feet;
3. 215° 20' 92.48 feet along the remainder of R.P. 6851, L.C. Aw. 8452, Apana 12 to A. Keohokalole (Certificate of Boundaries No. 45);
4. Thence along the Southwesterly side of Queen Kaahumanu Highway, on a curve to the left with radius of 5,040.00 feet, the chord azimuth and distance being:
308° 03' 33.8" 1,589.53 feet to the point of beginning and containing an area of 2.880 Acres. (Refer to Parcel 1 as shown on Exhibit A).

The district classification of the following area situated at Keahuolu, North Kona, Hawaii, shall be Limited Industrial (ML-1a):

(PARCEL 2)

Beginning at the East corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA NORTH MERIDIAN" being 2,445.10 feet North and 2,008.98 feet West, thence running by azimuths measured clockwise from True South:

1. 25° 41' 334.78 feet along Lot 1 of Kona Industrial Subdivision - Unit 5 (File Plan 1706);
2. 28° 44' 36" 60.00 feet along the North end of Luhia Street;

3. Thence along Lot 7 of Kona Industrial Subdivision - Unit 2 (File Plan 1321), on a curve to the right with a radius of 5,500.00 feet, the chord azimuth and distance being:
119° 15' 22.7" 98.48 feet;
4. 25° 41' 729.46 feet along Lots 7, 6, 5, 4, 3 and 2 of Kona Industrial Subdivision - Unit 2 (File Plan 1321);
5. 19° 10' 429.46 feet along Lots 2 and 1 of Kona Industrial Subdivision - Unit 2 (File Plan 1321) and Lot 8 of Kona Industrial Subdivision - Unit 1 (File Plan 1129);
6. 1° 00' 576.81 feet along Lots 7, 6 and 5 of Kona Industrial Subdivision - Unit 1 (File Plan 1129);
7. 344° 21' 30" 617.05 feet along Lots 4, 3, 2 and 1 of Kona Industrial Subdivision - Unit 1 (File Plan 1129);
8. Thence along the Northerly side of Kuakini Highway, on a curve to the right with a radius of 716.20 feet, the chord azimuth and distance being:
103° 05' 13" 304.24 feet;
9. 115° 21' 1,422.00 feet along the remainder of R.P. 6851, L.C. Aw. 8452, Apana 12 to A. Keohokalole (Certificate of Boundaries No. 45), along Governor's Executive Order No. 2876;
10. 182° 05' 1,219.78 feet along the remainder of R.P. 6851, L.C. Aw. 8452, Apana 12 to A. Keohokalole (Certificate of Boundaries No. 45);

11. 199° 10' 974.00 feet along the remainder of R.P. 6851, L.C. Aw. 8452, Apana 12 to A. Keohokalole (Certificate of Boundaries No. 45);
12. 215° 20' 890.89 feet along the remainder of R.P. 6851, L.C. Aw. 8452, Apana 12 to A. Keohokalole (Certificate of Boundaries No. 45);
13. Thence along the remainder of R.P. 6851, L.C. Aw. 8452 Apana 12 to A. Keohokalole (Certificate of Boundaries No. 45), on a curve to the left with a radius of 5,102.00 feet, the chord azimuth and distance being:
 307° 03' 14.1" 1,599.49 feet to the point of beginning and containing an Area of 101.075 Acres. (Refer to Parcel 2 as shown on Exhibit A).

All as shown 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, successors or assigns shall be responsible for complying with all of the stated conditions of approval; (B) the property shall be zoned in two increments. The first increment shall consist of a maximum of sixty contiguous acres, and the second, the remaining area. The effective date of zoning for the second increment shall be after development has occurred in the first increment, as determined by the Planning Director.

'Development' means that building permits have been issued for

industrial structures and construction has been partially completed to the extent that roofs have been constructed on a minimum of twenty-five percent of the lots proposed for the first increment; (C) the Open zoned areas shall not be included as part of the industrial lots; (D) subdivision plans for the first increment shall be submitted within one year from the effective date of [the zone change] this amendment; (E) an overall landscaping master plan, which includes landscaping along the property's frontages along Queen Kaahumanu Highway and the Old Airport Road, a plant species list, identification of view corridors from within and outside of the subdivision, and a program for the maintenance of the landscaping master plan, shall be submitted to the Planning Director for review and approval prior to issuance of final subdivision approval of the first increment; (F) channelized intersection improvements shall be provided at the Queen Kaahumanu Highway meeting with the approval of the State Department of Transportation, Highways Division. Only one access shall be permitted from Queen Kaahumanu Highway. The intersection improvements shall be constructed prior to or as part of the final subdivision approval of the first increment; (G) access(es) from the Old Airport Road shall meet with the approval of the Department of Public Works; (H) no direct accesses to the lots shall be allowed from the Queen Kaahumanu Highway and the Old Airport Road; (I) all interior roadways shall be constructed in accordance with the requirements of the Department of Public

works; (J) a drainage system in accordance with the requirements of the Department of Public Works shall be installed; (K) prior to receipt of final subdivision approval, a Development Design Manual shall be prepared and submitted to the Planning Department for approval. The purpose of the manual is to provide comprehensive design principles and guidelines for the development of the industrial lots in order to achieve a high standard of quality for the development. The manual shall include, but not be limited to, standards and guidelines relative to landscaping; open space; architectural building controls relating but not limited to appearance, siting, heights, building materials, and signs; setbacks from property lines and buildings; and ground cover ratio; (L) the method of sewage disposal shall meet with the approval of the appropriate governmental agencies; (M) an intensive archaeological survey for the property shall be conducted and that the survey report shall be submitted to the Planning Department and the State Department of Land and Natural Resources prior to receipt of final subdivision approval of the first increment; (N) should any salvage archaeological work be necessary as a result of condition (M), work shall be completed prior to any grading or grubbing activities; (O) should any unanticipated sites be uncovered during grading of the property, work within the affected area shall cease. The Planning Department shall be notified and work shall not resume within the affected area until clearance has been obtained from

the Planning Director; and (P) all other applicable rules, regulations, and requirements, including those of the Department of Water Supply, shall be complied with[. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate designation may be initiated."], and (Q) an initial extension of time for the performance conditions within the 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 applicants, successors or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of 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. Material to be deleted is bracketed. New material is underscored.

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: December 14, 1987
Date of 1st Reading: December 14, 1987
Date of 2nd Reading: January 6, 1988
Effective Date: January 18, 1988