

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 473

ORDINANCE NO. 88 24

AN ORDINANCE AMENDING SECTION 25-95H, (WAIKOLOA VILLAGE ZONE MAP), CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, RELATING TO THE MODIFICATION OF ORDINANCE NO. 515 WHICH RECLASSIFIED CERTAIN LANDS FROM MULTIPLE FAMILY RESIDENTIAL (RM-3.0) TO VILLAGE COMMERCIAL (CV-10) AND FROM VILLAGE COMMERCIAL (CV-10) TO MULTIPLE FAMILY RESIDENTIAL (RM-3.0) AT WAIKOLOA, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-8-03:6 & 7.

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

SECTION 1. [Section 7.06 of Ordinance No. 63 (Zoning Ordinance), Revised Ordinances of the County of Hawaii 1967, as amended, is hereby further amended by adding thereto the following subsections:] Section 25-95H, Article 3, Chapter 25 of the Hawaii County Code, is amended to change the district classification of property described hereinafter as follows:

["7.06 (g-1).] The district classification of the following area situated at Waikoloa, South Kohala, Hawaii, shall be Village Commercial (CV-10):

Beginning at the southwest corner of this parcel of land on the northerly side of Waikoloa Road, being also the southeast corner of Lot 110 of Waikoloa Village Unit 1-A, File Plan 1188, the coordinates of which referred to Government Survey Triangulation Station "PUU HINAI" being 9,039.49 feet north and 3,836.35 feet west and running by azimuths measured clockwise from true south:

1. 221° 59' 32" 591.00 feet along Lot 110 of Waikoloa Village Unit 1-A, File Plan 1188;

2. 257° 00" 275.00 feet along Lot 110 of
Waikoloa Village Unit
1-A, File Plan 1188;
3. 190° 41' 53" 301.61 feet along Lot 110 of
Waikoloa Village Unit
1-A, File Plan 1188;

Thence along the westerly side of Paniolo Avenue, on a curve to the right with a radius of 460.00 feet, the chord azimuth and distance being:

4. 348° 31' 28" 499.32 feet;
5. 21° 23' 42" 306.21 feet along the westerly
side of Paniolo
Avenue;

Thence along the westerly side of Paniolo Avenue, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:

6. 64° 46' 32" 27.47 feet;

Thence along the northerly side of Waikoloa Road, on a curve to the left with a radius of 1,042.00 feet, the chord azimuth and distance being:

7. 89° 02' 50.5" 682.22 feet to the point of
beginning and an area
of 280,101 square
feet or 6.430 acres.

["7.06 (g-2).] The district classification of the following area situated at Waikoloa, South Kohala, Hawaii, shall be Multiple Family Residential (RM-3.0):

Beginning at the northeast corner of this parcel of land, the coordinates of which referred to Government Survey Triangulation Station "PUU HINAI" being 10,221.09 feet north and 2,694.37 feet west and running by azimuths measured clockwise from true south:

1. 18° 03' 09" 690.13 feet along Lots 6 and 9 of
Waikoloa Development,
File Plan 1172;

Thence along the easterly side of Paniolo Avenue, on a curve to the left with a radius of 540.00 feet, the chord azimuth and distance being:

2. 155° 11' 54" 361.30 feet;
3. 135° 39' 14" 111.54 feet along the easterly side of Paniolo Avenue;

Thence along the easterly side of Paniolo Avenue, on a curve to the right with a radius of 460.00 feet, the chord azimuth and distance being:

4. 161° 38' 47" 403.19 feet;
5. 187° 38' 20" 49.91 feet along the easterly side of Paniolo Avenue;
6. 288° 03' 09" 592.90 feet along Lot 328 of Waikoloa Village Unit 1-B, File Plan 1189 to the point of beginning and containing an area of 5.336 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 condition that the owner or lessee of the commercially-zoned area be responsible for securing a building permit and assuring construction started for a commercial "ranch center" complex within one year from the official date of approval of the change of zone. Should this condition not be met, the Planning Director may act to rezone the land to an appropriate zoning classification.] This change in district classification is conditioned upon the following:

(A) The petitioner, successors, or its assigns shall be responsible for complying with all of the stated conditions of

approval; (B) Plans for the proposed development shall be submitted to the Planning Department for plan approval review within one year from the effective date of this amendment; (C) Construction of the proposed development shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (D) An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the amendment. The progress report shall include, but not be limited to, the status of the development, and the extent to which conditions have been complied; (E) All other applicable rules, regulations, and requirements shall be complied with; and (F) An extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances: 1) 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; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; and 4) 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 5) 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: February 3, 1988
Date of 1st Reading: February 3, 1988
Date of 2nd Reading: February 17, 1988
Effective Date: February 29, 1988