

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 556

ORDINANCE NO. 88 92

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 PROPERTY DESCRIPTIONS TO ORDINANCE NO. 87 129, COUNTY OF HAWAII, WHICH RECLASSIFIED CERTAIN LAND 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. Ordinance 87 129, relating to property description modification of the subject property, is amended as follows:

"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 Auhaueae 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);

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|-----|----------|---|
| 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.
<u>(Refer to parcel 1 as shown
on Exhibit "A".)</u> |

The district classification of the following area situated at Auhaueae 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:

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|----|-------------|--|
| 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 Auhaueake 1st and 2nd, North Kona, Hawaii, shall be Neighborhood Commercial (CN-20):

PARCEL 3:] Excepting and reserving a portion of this parcel for a commercial area and being more fully described as follows:

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. (Refer to parcel 2 as shown on Exhibit "A".)

The district classification of the following area situated at Auhaueake 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:

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|----------------------------------|--|
| <u>1.</u> <u>337°</u> <u>40'</u> | <u>188.57 feet along the remainders of</u>
<u>R.P. 7580, L.C. Aw. 11,216,</u>
<u>Ap. 37 to M. Kekauonohi and</u>
<u>Lot 10, Land Court</u>
<u>Application 1874;</u> |
| <u>2.</u> <u>67°</u> <u>40'</u> | <u>224.27 feet along the remainder of</u>
<u>Lot 10, Land Court</u>
<u>Application 1874;</u> |
| <u>3.</u> <u>165°</u> <u>00'</u> | <u>190.13 feet along the remainders of</u>
<u>Lot 10, Land Court</u>
<u>Application 1874 and</u>
<u>R.P. 7580, L.C. Aw. 11,216,</u>
<u>Ap. 37 to M. Kekauonohi;</u> |
| <u>4.</u> <u>247°</u> <u>40'</u> | <u>200.00 feet along the remainder of</u>
<u>R.P. 7580, L.C. Aw. 11,216,</u>
<u>Ap. 37 to M. Kekauonohi to</u>
<u>the point of beginning and</u>
<u>containing an area of 40,002</u>
<u>Square Feet.</u>
<u>(Refer to parcel 3 as shown</u>
<u>on Exhibit "A".)</u> |

All as shown on the map on file in the Office of the County Clerk, marked Exhibit "A" and by reference made a part hereof.

"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 2. Material to be deleted is bracketed. New material is underscored. In printing this ordinance, the underscoring need not be included.

SECTION 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	May 18, 1988
Date of 1st Reading:	May 18, 1988
Date of 2nd Reading:	June 15, 1988
Effective Date:	June 30, 1988

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

ROLL CALL VOTE

Introduced By: Takashi Domingo
 Date Introduced: May 18, 1988
 First Reading: May 18, 1988
 Published: _____

	AYES	NOES	ABS	EX
DAHLBERG			X	
DE LUZ	X			
DOMINGO	X			
GREENWELL	X			
JITCHAKU-INOUYE	X			
KOKUBUN	X			
LAI	X			
SCHUTTE	X			
YAMASHIRO	X			
	8	0	1	0

REMARKS:

Approve & adopt Bill on first reading,
refer back to PC - 5/18/88

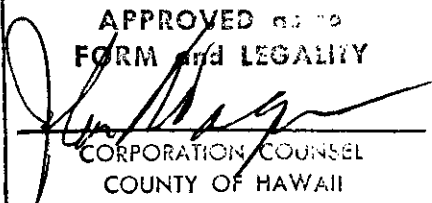
ROLL CALL VOTE

Second Reading: June 15, 1988
 To Mayor: June 16, 1988
 Returned: June 30, 1988
 Effective: June 30, 1988
 Published: July 8, 1988

	AYES	NOES	ABS	EX
DAHLBERG	X			
DE LUZ	X			
DOMINGO	X			
GREENWELL	X			
JITCHAKU-INOUYE	X			
KOKUBUN	X			
LAI	X			
SCHUTTE	X			
YAMASHIRO	X			
	9	0	0	0

REMARKS:

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.

APPROVED as to
 FORM and LEGALITY

 CORPORATION COUNSEL
 COUNTY OF HAWAII
 JUN 23 1988
 Date _____


 COUNCIL CHAIRMAN


 COUNTY CLERK

Approved/Disapproved this 30th day
 of JUNE, 19 88


 MAYOR, COUNTY OF HAWAII

Bill No.: 556
 Reference: _____
 Ord. No.: 88 92